

ATTACHMENT 6

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IN THE CITY OF CHICAGO

DEPARTMENT OF ADMINISTRATIVE HEARINGS

MUNICIPAL HEARINGS DIVISION

APPEALS - DENIALS OF PARADE PERMITS

Students for a Democratic)
Society UIC)
Petitioner,)
)
V.)
) Docket #24PA000005
CITY OF CHICAGO,)
(Dept. of Streets & Sanitation) ,)
)
Respondent.)

Hearing date: March 18, 2024

Location: Central Hearing Facility,
400 West Superior,
Chicago, IL

Administrative Law Judge: Dennis Fleming

For the City of Chicago:

Attorney: Matthew Spahr
Attorney: Christopher Dionne
Witness: Bryan Gallardo
Witness: Gabriella Shemash

For the Plaintiff:

Respondent: None
Attorney: Christopher Williams
Witness: Henry Rathburn
Other Representative: None

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1 ADMINISTRATIVE LAW JUDGE FLEMING: We're
2 going to go on the record with 24PA000005A, parade
3 application for a parade, March Against the U.S.
4 Funded Gaza Genocide filed by Henry Rathburn,
5 president of Students for a Democratic Society UIC.

6 And the application was made and reviewed
7 and denied, a Request for Hearing was made and we are
8 here for that hearing. So respective counsels,
9 please identify yourselves for the record.

10 MR. SPAHR: ACC Matthew Spahr for the
11 City.

12 MR. DIONNE: ACC Chris Dionne for the
13 City.

14 MR. WILLIAMS: Christopher Williams for
15 the Applicant.

16 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.
17 Do we have any stipulations for exhibits?

18 MR. WILLIAMS: We will stipulate to
19 Exhibit 1 and to Exhibit 3A, B, and C and to Exhibit
20 4. And hold on just a second. Oh, that's it.
21 [Inaudible].

22 ADMINISTRATIVE LAW JUDGE FLEMING: And can
23 I get a set of the exhibits?

24 MR. WILLIAMS: Oh, yes.

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1 ADMINISTRATIVE LAW JUDGE FLEMING: Thank
2 you.

3 MR. WILLIAMS: So 1, 3A, B, and C, and
4 stipulate to 4 and we stipulate to 5A, B, and C, and
5 stipulate to 6. City, was it 6 [inaudible]. We do
6 not stipulate to Exhibit 2 --

7 ADMINISTRATIVE LAW JUDGE FLEMING: 2A.

8 And I anticipated that except that's a choice and so
9 I'm going to defer again on 2A, but based on --

10 MR. WILLIAMS: 2A, B, and C.

11 ADMINISTRATIVE LAW JUDGE FLEMING: A, B,
12 C?

13 MR. WILLIAMS: Yeah.

14 ADMINISTRATIVE LAW JUDGE FLEMING: Based
15 upon -- I'm going to defer at this point in time.

16 MR. WILLIAMS: Okay.

17 ADMINISTRATIVE LAW JUDGE FLEMING: And
18 then you have your two exhibits or --

19 MR. SPAHR: I'm going to see if I need
20 them.

21 ADMINISTRATIVE LAW JUDGE FLEMING: If you
22 need them, great. Okay. Fine. All right. Opening
23 if we need.

24 MR. SPAHR: Judge, we are here today

1 regarding a parade permit application that was
2 submitted by Petitioner to the City of Chicago
3 Department of Transportation. The City responded to
4 Petitioner's application and a letter denying it as
5 to the precise terms as applied for while offering an
6 alternative route that the City could approve.

7 The letter sent by the Department of
8 Transportation provides the basis for its denial
9 being there are not sufficient city resources to
10 mitigate traffic disruptions caused by the parade and
11 that there are not sufficient on duty police officers
12 or city employees to police and protect all
13 participants and non-participants of the parade at
14 the applied for date, time, and location.

15 Specifically, the day and location that
16 the Petitioner applied for is during the Democratic
17 National Convention and is encompassing one of the
18 main venues hosting the convention.

19 You will hear through testimony the strain
20 on city resources resulting from hosting such a
21 national special security event. At no point during
22 this process did the City of Chicago Department of
23 Transportation state that Petitioner is not allowed
24 to parade.

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1 To the extent practical, the city approved
2 the Petitioner to parade on the same date, just in a
3 different location, which the city could meet its
4 obligation under the Chicago Municipal Code in terms
5 of allocating city resources to the parade.

6 Today, the City will illicit testimony as
7 to what is required of the city in terms of personnel
8 and resources needed for the Democratic National
9 Convention, on top of keeping all other city services
10 fully operational for its residents and businesses
11 during this time. For all the reasons the city will
12 provide in this case, we are asking this Court to
13 affirm the determination of the Department of
14 Transportation and deny the route as applied for.

15 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.
16 Thank you.

17 MR. WILLIAMS: I'll defer.

18 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.
19 If you remember now for this one.

20 MR. SPAHR: At this time, the City would
21 call Bryan Gallardo.

22 ADMINISTRATIVE LAW JUDGE FLEMING: All
23 right, Mr. Gallardo. Again, raise your right hand.
24 Do you solemnly swear or affirm any testimony you

1 give will be the truth?

2 MR. GALLARDO: Yes.

3

4 DIRECT EXAMINATION

5 BY MR. SPAHR:

6 Q. All right, Mr. Gallardo. Please
7 introduce yourself, spelling your last name for
8 the record?

9 A. My name is Bryan Gallardo,
10 G-A-L-L-A-R-D-O.

11 Q. And who do you work for?

12 A. I work for the City of Chicago,
13 Department of Transportation.

14 Q. And what is your position in that
15 department?

16 A. I am assistant commissioner in charge
17 of the public way permitting office.

18 Q. And how long have you held that
19 position?

20 A. I have held that position since October
21 of 2017.

22 Q. And as assistant commissioner, what are
23 some of your responsibilities?

24 A. In the public way permitting office, we

1 take in applications for use of the public way,
2 which can include construction, festivals,
3 athletic events, parades, assemblies, moving
4 vans. Essentially any activities that take place
5 on the public way other than the standard, you
6 know, driving and walking type stuff.

7 Q. Okay. Staying specifically on parades,
8 what is a parade permit?

9 A. It's a permit to march with a group
10 down the public right of way.

11 Q. And who can apply for such a permit?

12 A. Anyone can apply for a permit.

13 Q. Okay. Individuals or organizations?

14 A. Correct.

15 Q. And where do these individuals and the
16 organizations apply for the parade permit?

17 A. They would come to City Hall, Room 905,
18 to submit an application.

19 Q. And once CDOT received a parade permit
20 application, what is the process?

21 A. Once we receive the application, we
22 will date and time stamp it. And then we will
23 distribute it to other departments and agencies
24 for review.

1 Q. And what other departments and agencies
2 would you relay the application to?

3 A. We'll send it to Chicago Police
4 Department, Department of Special Events, Office
5 of Emergency Management Communications, as well
6 as Streets and Sanitation. Those are the typical
7 ones. We'll also send it to the ward office as
8 well.

9 Q. And what is the purpose, or what input
10 is CDOT seeking for by relaying these permits to
11 other departments?

12 A. Whenever there's any kind of activity
13 on the public right of way, there are times when
14 resources will be needed or activities that they
15 are normally going to be doing that may need to
16 be ceased during the time of the parade.

17 So we're seeking their input as to any
18 kind of conflicts or availability of resources if
19 needed.

20 Q. And do you as the assistant
21 commissioner review every parade permit
22 application received by CDOT?

23 A. No, I don't receive every single
24 application.

1 Q. And when would an application be
2 brought to your attention?

3 A. If it's in a high profile district like
4 the central business district or near an
5 entertainment venue or if it's in conflict with
6 some other high profile events, in this case the
7 DNC. Then somebody might bring it to my
8 attention on my staff to just let me know that
9 this is going to be during this specific time or
10 in this specific place.

11 Q. And when an application is brought to
12 your attention, do you still review it with the
13 same CDOT process as reviewing all applicants?

14 A. Yes. We don't change the overall
15 process. It's just brought to my attention if
16 there's a potential conflict.

17 Q. All right. Bringing your attention to
18 what has been marked and admitted as City's
19 Exhibit 3A through C, did City of Chicago
20 Department of Transportation receive a parade
21 application for a parade named "March Against
22 U.S. Funded Gaza Genocide?"

23 A. Yes, we did. We received an
24 application on February 29th.

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1 Q. And what I presented to you as City's
2 Exhibit 3, how many pages of this application are
3 there?

4 A. There are three pages to this
5 application.

6 Q. And where on the application is it
7 indicated the date that CDOT received it?

8 A. In the top right-hand corner you'll see
9 a date and time stamp showing February 29th.

10 Q. And do you recall who specifically
11 received this application at CDOT?

12 A. The intake was done by Susan Pollack,
13 who's a member of the CDOT public way permitting
14 staff.

15 Q. And was this parade application
16 specifically brought to your attention?

17 A. It was.

18 Q. And why was that?

19 A. The requested location and date
20 conflicts with the Democratic National
21 Convention, which will be taking place in August
22 of this year.

23 Q. And what dates, specifically, if you
24 know, is the Democratic National Convention

1 happening on?

2 A. It's multiple days. The official four
3 nights of it would be August 19th through the
4 22nd. But set up and tear down will proceed both
5 before and linger after those dates.

6 Q. And are you familiar with what venues
7 the Democratic National Convention is set to take
8 place at?

9 A. The two confirmed locations so far that
10 we have are the United Center and McCormick
11 Place.

12 Q. And I will show you what -- okay,
13 reviewing what is in front of you, what does this
14 parade application tell you about the requested
15 parade?

16 A. So this parade was requested for August
17 19th. And is requesting a route that would
18 encircle the United Center area.

19 Q. And what -- I believe you just
20 testified, but what day was this -- they're
21 asking to parade on?

22 A. August 19, 2024.

23 Q. And does this application indicate what
24 route they're proposing to parade on?

1 A. Yes. So they want to begin at Union
2 Park and then they want to proceed on Ashland and
3 then around the United Center area, which would
4 be just to the west of them.

5 Q. I'll show you what's been marked and
6 admitted into evidence as City's Exhibit 4. Do
7 you recognize this map?

8 A. Yes. This is an outline of the
9 proposed route in the application.

10 Q. And do you see the United Center on
11 that map?

12 A. Yes.

13 Q. And where about is it in regard to the
14 overall parade?

15 A. It is in the center of the route that's
16 being requested.

17 Q. Okay. Great. Now, referring back to
18 the application, does it have a proposed number
19 of attendees seeking to parade?

20 A. Yes. That's a standard part of the
21 application. And the applicant indicated that
22 they are expecting 5,000 participants.

23 Q. And does it indicate a start time?

24 A. Yes. That's also a standard part of

1 the application. So the start time that they
2 requested is 12:00 p.m.

3 Q. End time?

4 A. 2:15 p.m.

5 Q. Is there a disband time?

6 A. 3:00 p.m.

7 Q. And was this application signed by
8 anyone?

9 A. Yes. So it looks like it's initials
10 HMW. And then the name printed says Henry
11 Rathburn.

12 Q. Okay. Thank you. And what was your
13 next steps once you received this application on
14 February 29th?

15 A. As we do with all parade applications,
16 it was circulated via e-mail to the various
17 departments that I had mentioned previously.

18 Q. And did CDOT review this application
19 and its proposed route in terms of traffic on the
20 streets that are being applied for?

21 A. Yes. So that is part of the review
22 that we conduct. We look for any conflicts with
23 other activities, whether they're construction or
24 other events or athletic events or festivals,

1 things like that -- of that nature in the area.

2 As well as the traffic impacts of the proposed
3 route and subsequent closures.

4 Q. And what, specifically, did you look at
5 and review in terms of traffic for the proposed
6 route?

7 A. So this route would take it around the
8 United Center, as I had previously stated.

9 Several of the streets in that area are already
10 closed and this route would then close additional
11 routes, including Ashland and Western, which
12 would essentially just cause a traffic jam in
13 that area. If you have Ashland, Damen, and
14 Western all closed it gives us limited options to
15 direct other vehicles around.

16 Especially when you consider that just
17 to the south of here is the Illinois Medical
18 District. By closing Ashland and Western it
19 would make it very difficult for emergency
20 vehicles to get to and from those hospitals.

21 Q. And when a organization is seeking to
22 parade on one side of the street, let's say
23 Ashland, is it possible to march on just one lane
24 of traffic heading northbound?

1 A. It's not considered safe to do that.

2 It would actually take more resources to allow
3 live traffic next to a large group of marchers,
4 then it would to fully close the street.

5 Q. And is there any consideration to
6 public transportation when reviewing this in
7 terms of traffic?

8 A. All of those streets that I mentioned
9 previously; Ashland, Damen, and Western; all have
10 multiple bus routes taking them north and south
11 in the area.

12 Q. And did you receive any response from
13 CPD regarding the review of this application?

14 A. Yes. They were one of the groups that
15 it was distributed to. And they replied that
16 they would not have sufficient resources to
17 support this event.

18 Q. All right. And after reviewing the
19 proposed application from the CDOT perspective
20 and receiving input from other organizations
21 within Chicago, did you come to a conclusion
22 whether or not you could approve or deny this
23 permit?

24 A. Yes. After reviewing the responses

1 from -- that we received from any other
2 departments, as well as the potential traffic
3 impacts and the conflict with the DNC that will
4 be in full swing on that day, we sent -- or I
5 should say, I sent a denial letter asking them to
6 change their route.

7 Q. And did anyone from CPD or another
8 organization direct you to approve or deny this?

9 A. No. The denial comes from the
10 Department of Transportation. We take in
11 information from other departments and other
12 agencies, but then we take that information and
13 we craft the letter.

14 Q. I'll show you what's now been admitted
15 into evidence as City's Exhibit 5A through C. Do
16 you recognize this document?

17 A. This is a copy of the denial letter
18 that was sent to the applicant on March 7th.

19 Q. And who authored this letter?

20 A. I wrote this letter.

21 Q. And to whom did you mail it to?

22 A. Students for a Democratic Society at
23 UIC, in care of Henry Rathburn.

24 Q. And is this a true and accurate copy of

1 the letter you prepared signed and sent?

2 A. Yes, I believe it is.

3 Q. And what is the purpose of this letter?

4 A. This letter is required under the city
5 ordinance. If a parade is to be denied, we have
6 to send a formal denial letter including the
7 reason for denial as well as the proposed
8 alternate.

9 Q. And in this letter is one of the bases
10 for denial under 10-8-330(g)(1)?

11 A. Yes.

12 Q. And for the benefit of the Court, can
13 you elaborate on the basis for this denial and
14 what you reviewed?

15 A. Yes. So based on all feedback from the
16 departments and the reviews and the ordinance
17 requirements, CDOT determined that the parade
18 would interfere with traffic in the area and that
19 there wouldn't be available resources to keep
20 both the parade participants and any other users
21 of the public way safe.

22 Q. And did you also provide a basis for
23 that denial under 10-8-330(g)(2)?

24 A. Yes. So we go on further in the letter

1 to describe the impacts of the DNC and the lack
2 of resources that would be available to keep the
3 participants safe.

4 Q. And in this letter, you identify that
5 the City of Chicago Department of Transportation
6 provided an alternative route; is that correct?

7 A. Yes. That's a requirement under the
8 ordinance.

9 Q. And what was the alternative route
10 provided?

11 A. So the alternative provided was on
12 Columbus Drive from Roosevelt to Jackson.

13 Q. And what was the proposed date for this
14 alternative route?

15 A. August 19th, which was the date they
16 had originally requested.

17 Q. And is there any differentiating factor
18 from what was applied for in terms of time for
19 the proposed alternative route?

20 A. Yes. So there are different assembly
21 times and step off times. And that is due to
22 other activities that will be taking place in the
23 Columbus area on August 19th.

24 Q. Now, I'll show you what's been admitted

1 into evidence as City's Exhibit 6. Do you
2 recognize this?

3 A. Yes. This is an overview of the
4 proposed alternative route.

5 Q. And to your knowledge, why were you
6 able to provide this alternative route?

7 A. So this route, given the location, is
8 still considered a high profile location, but
9 it's easier to secure, so it required fewer
10 resources. And although it would have traffic
11 impacts, it would not be as significant as the
12 requested route. And so that's -- this route was
13 selected so that they could still maintain a high
14 profile location, but in a manner that the city
15 would be readily able to support.

16 Q. And is this alternative route in the
17 City of Chicago, County of Cook, State of
18 Illinois?

19 A. Yes.

20 Q. And to your knowledge, has the
21 Petitioner accepted the alternative route?

22 A. No, I don't believe they have.

23 MR. SPAHR: No further questions. And
24 I'll tender the witness at this time.

1 ADMINISTRATIVE LAW JUDGE FLEMING:

2 Cross?

3

4 CROSS EXAMINATION

5 BY MR. WILLIAMS:

6 Q. Mr. Gallardo, I feel like I know you.

7 Thank you for appearing this afternoon. Your
8 title of Assistant Commissioner is part of the
9 Chicago Department of Transportation, correct?

10 A. Yes.

11 Q. And how long have you been doing that?

12 A. I've been with the department since
13 October of 2017.

14 Q. Okay. And who has the authority to
15 deny or approve parade permits?

16 A. So per the ordinance, that authority
17 rests with Chicago Department of Transportation,
18 specifically the commissioner or his designee.

19 Q. Okay. And for purposes of this
20 application, were you the commissioner's
21 designee?

22 A. Yes, I manage the public way permitting
23 office, so I am the one who does the intake and
24 review of the permits, or the staff that reports

1 to me does.

2 Q. Which is why you sent the letter
3 responding to the permit application, correct?

4 A. Yes.

5 Q. Okay. And so you were the one who
6 ultimately had the authority to deny the permit
7 application and deny the permit?

8 A. Yes. I'm the one who ultimately
9 crafted the letter and sent out the denial.

10 Q. Okay. But that's a little different
11 than what I asked. You had the authority to deny
12 it, correct?

13 A. Under the -- as the commissioner's
14 designee, yes.

15 Q. Okay. And you're the one who made the
16 decision to deny it?

17 A. Based on the information I had, yes.

18 Q. Okay. And who did you -- you said you
19 got information from a variety of other
20 agencies --

21 A. So with all parade applications, we
22 send it to multiple departments and so the Police
23 Department, Office of Emergency Management and
24 Communications, Streets and Sanitation, the ward

1 office, Department of Special Events and Cultural
2 Affairs. So they all received copies of it and
3 are able to provide feedback.

4 Q. And which departments provided feedback
5 on this particular application?

6 A. On this particular application, I
7 received feedback from the Chicago Police
8 Department.

9 Q. Only the Chicago Police Department?

10 A. That's the only one that I recall
11 receiving specifically back from.

12 Q. Okay. And did you receive that
13 feedback in a written form or verbal?

14 A. So they provide what's called a CRL or
15 Commander's Review Letter. And that's what they
16 provided.

17 Q. And who provided that?

18 A. That comes from the Chicago
19 Department -- Police Department.

20 Q. Is it from the commander?

21 A. Yeah. Of the district that would be
22 the requested location.

23 Q. Okay. And so that was delivered to you
24 in writing?

1 A. It was e-mailed to me, but yes.

2 Q. Okay. And did you get any other
3 feedback besides the written feedback?

4 A. Not that I can recall.

5 Q. Okay. And what was the nature of the
6 feedback you got from the Chicago Police
7 Department?

8 A. Due to the drain on their resources of
9 the DNC, they did not feel they would have enough
10 resources to support the parade as requested.

11 Q. Okay. And did they give any specifics
12 as to why the number of police officers would be
13 required?

14 A. We don't typically, no. We don't
15 typically review the resources of another
16 department. We would ask them for their input,
17 but we rely on their expertise to tell us what
18 they are able to do.

19 Q. Okay. So you didn't get, we would need
20 this many and we don't have that many?

21 A. No, they didn't provide me specific
22 officer counts or time tables. Simply that they
23 did not believe they would have the resources at
24 the time.

1 Q. How many people do you expect to come
2 to the Democratic National Convention?

3 A. Based on the information we've been
4 provided so far, 50,000 or more is a typical
5 attendance. But obviously, we won't know until
6 the time of the event.

7 Q. Okay. And looking at the City
8 Exhibit 5A, could you pull that out for a second?

9 A. Yes.

10 Q. Okay. And [inaudible] under Number 2,
11 the second paragraph there --

12 A. Uh-huh.

13 Q. -- toward the bottom, do you see that?
14 Do you see 50,000?

15 A. Yes.

16 Q. Okay. Is that what you relayed in this
17 letter, approximately 50,000?

18 A. Yes.

19 Q. Okay. Can you read from "moreover,
20 [inaudible] to the city in or on a date many
21 attendees are expected to arrive and would create
22 significant traffic concerns [inaudible]. And
23 then, this includes resources needed for the
24 DNC." Do you see that line?

1 A. Uh-huh.

2 Q. Okay. Did you use that exact line in
3 another application?

4 MR. SPAHR: Objection. Foundation.

5 ADMINISTRATIVE LAW JUDGE FLEMING: Well,
6 the objection's overruled. You can answer it if
7 he recalls.

8 THE WITNESS: Yes, I believe that has
9 been in another letter.

10

11 BY MR. WILLIAMS:

12 Q. Okay. Did you use it for one -- an
13 application for August 22nd, the last day of the
14 Democratic National Convention?

15 A. I believe so.

16 Q. Okay. When considering applications
17 for parade permits during the Democratic National
18 Convention, have you investigated each one
19 separately or do you just rely on earlier
20 investigations?

21 A. No. We take each application as its
22 own entity. We don't review one based on another
23 unless there's a specific conflict between the
24 two applications.

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1 Q. But you do cut and paste language from
2 one to the next, correct?

3 A. Yes. I have used similar language in
4 the letters, but the reviews of each application
5 are based on the application, itself, not on
6 other applications.

7 Q. You mentioned that you provided an
8 alternative route; is that correct?

9 A. Yes.

10 Q. And that alternative route is in -- is
11 on City's Exhibit 5. Is that right?

12 MR. SPAHR: 6, City's 6.

13 MR. WILLIAMS: I'm sorry.

14

15 BY MR. WILLIAMS:

16 Q. The written version of that alternative
17 route --

18 A. Yes. It's on -- it's in the denial
19 letter if that's what you're asking.

20 Q. Yes. And that would be Exhibit 5B,
21 correct? City's Exhibit 5B?

22 A. Yes.

23 Q. Okay. How did you come up with that
24 route?

1 A. So the ordinance requires that we
2 provide a substantially similar route in terms of
3 visibility. And so we selected the location
4 based on what city resources were available and
5 the impacts to traffic. But also noting that it
6 would need to be a high profile location.

7 Q. Okay. But the ordinance actually says
8 [inaudible] will have comparable public
9 visibility and a similar route location and date
10 to that of the proposed parade; would you agree
11 with that?

12 A. In terms of what's in the ordinance,
13 yes.

14 Q. Okay. That's the actual language of
15 the ordinance, right?

16 A. I believe so.

17 Q. Did you come up with that route; I
18 mean, was that your idea, let's put them over on
19 Columbus Drive?

20 A. That's a route that has been used in
21 the past and so it was one of the routes that we
22 reviewed and it was one that was agreed that all
23 the affected departments would be able to
24 support.

1 Q. Okay. You realize you're using passive
2 voice. You said it was, it was decided, or it
3 was agreed. Who agreed?

4 A. Well, I wouldn't just send a route out
5 there without consulting with the same
6 departments that reviewed the application. So
7 I -- all the folks that were part of the original
8 distribution would also be alerted to the
9 proposed route. And if they thought that they
10 would not be able to support that, then that
11 would not be the proposed route.

12 Q. Okay. So are you saying other
13 departments gave you feedback suggesting Columbus
14 Drive between Roosevelt and Jackson?

15 A. Suggesting that they would be able to
16 support it, yes.

17 Q. Okay. But you were -- are you saying
18 that you suggested that to them and they said
19 they could support it?

20 A. In terms of the route itself?

21 Q. The alternative route?

22 A. Yes, they -- so the route, itself, is
23 something that we have used in the past. And I
24 would not have sent out the letter without

1 confirmation from them that they would be able to
2 support it.

3 Q. Okay. You've had protests in other
4 areas of the city before, too, and parades in
5 other areas of the city, correct?

6 MR. SPAHR: Objection. Relevance.

7 ADMINISTRATIVE LAW JUDGE FLEMING:
8 Overruled.

9 MR. WILLIAMS: Well, it's not as if
10 Columbus Drive is the place to have a parade.

11 ADMINISTRATIVE LAW JUDGE FLEMING:
12 Overruled.

13 MR. WILLIAMS: Okay.

14 THE WITNESS: Yes, we've had parades in
15 various parts of the city.

16
17 BY MR. WILLIAMS:

18 Q. Okay. So I'm trying to figure out how,
19 specifically, you come up with that for this
20 parade application.

21 A. It's a fairly common one, again.
22 That's a route that's been used for several
23 parades. It's one that the city is capable of
24 supporting even with the strained resources at

1 that time. And sending them any further away
2 didn't seem practical.

3 Q. How about sending them closer?

4 A. I don't know of any routes that would
5 be available that would be closer that wouldn't
6 have more of an impact and wouldn't be able to be
7 supported with the resources that we have or
8 wouldn't have more significant traffic impacts.

9 Q. What information did you base that on?

10 A. The impacts?

11 Q. The lack of other locations?

12 A. By reviewing other potential locations.

13 Q. Which ones did you review?

14 A. We looked at areas near the United
15 Center, but knowing that the DNC is going to be
16 in the area and there will be several street
17 closures in that area, being in the immediate
18 area did not seem practical.

19 Any of the east-west streets, such as
20 Madison or Randolph, would have impacts to
21 expressway access and other residents. So we
22 needed to find a location that would, again,
23 still be a high profile location, but would not
24 have those type of impacts.

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1 Q. Columbus Drive is three miles away,
2 right?

3 A. I believe that sounds about right.

4 Q. Okay. Do you consider that a similar
5 location?

6 A. In terms of visibility, yes. It's the
7 central business district, which is basically one
8 of the busiest areas in the city.

9 Q. Okay. But not in terms of visibility
10 because that's not what the ordinance says. Do
11 you consider it a similar location --

12 A. I consider it a similarly high profile
13 location.

14 Q. That's the only similarity, the high
15 profile nature of it.

16 A. I'm not sure I understand --

17 ADMINISTRATIVE LAW JUDGE FLEMING:

18 [Inaudible] question, the way it came out so.

19 MR. WILLIAMS: He's saying he considered
20 a similar location in terms of visibility, but
21 the ordinance says a similar route, location, and
22 date to that of the proposed parade. It doesn't
23 modify visibility. So I'm trying to ask how he
24 considers a location three miles away from --

1 ADMINISTRATIVE LAW JUDGE FLEMING: I'm
2 not trying to stop you. That one statement you
3 made didn't come out as a question, is the way I
4 think it --

5

6 BY MR. WILLIAMS:

7 Q. Is that the only basis, that you think
8 it's a similar location, the visibility aspect?

9 A. In terms of -- I guess I'm not
10 understanding your question.

11 Q. Well, you said -- I asked you do you
12 consider this a similar location. And what's
13 your answer?

14 A. Yes.

15 Q. Why is it a similar location?

16 A. It's going to be in the heart of the
17 city. It's going to have visibility, a high
18 profile location, it's going to have access that
19 they need, it's going to -- we'll also be able to
20 support it with the resources that we have.

21 So those are all the factors that go
22 into selecting a location.

23 Q. Will there be any delegates to the
24 Democratic National Convention there?

1 MR. SPAHR: Objection. Speculation.

2 ADMINISTRATIVE LAW JUDGE FLEMING: Well,
3 sustained. I don't think he would be able to
4 answer yes or no on that. It's an argument.

5 It's a factual argument.

6 MR. WILLIAMS: He made the decision for
7 the location. He said it's similar.

8

9 BY MR. WILLIAMS:

10 Q. Is it your understanding the delegates
11 to that Democratic National Convention are going
12 to the United Center?

13 A. That is my understanding.

14 Q. Are they meeting on August 19 in the
15 afternoon in the middle of Grant Park?

16 MR. SPAHR: Objection. Calls for
17 speculation.

18 ADMINISTRATIVE LAW JUDGE FLEMING: I'll
19 let him answer.

20 THE WITNESS: I don't know their
21 specific schedule, but the 19th would be one of
22 the days of the DNC, so I'm sure they will be
23 meeting at some point.

24

1 BY MR. WILLIAMS:

2 Q. In the middle of Grant Park?

3 A. Again, I don't know their schedule yet.

4 Q. Okay. Do you think they're going to
5 meet in the middle of Grant Park?

6 MR. SPAHR: Objection. Speculation.

7 ADMINISTRATIVE LAW JUDGE FLEMING:

8 That's sustained.

9

10 BY MR. WILLIAMS:

11 Q. Have you ever been on that stretch of
12 Columbus Drive?

13 A. Yes, I have.

14 Q. Okay. There's a tree line?

15 A. There are trees on Columbus.

16 Q. On both sides of Columbus, correct?

17 A. I believe so, yes.

18 Q. You're not sure?

19 A. I don't count the trees on Columbus.

20 Q. I'm not asking how many trees, I'm
21 asking --

22 A. There -- yes, to my recollection there
23 are trees on Columbus, both sides.

24 Q. Are the trees higher than you and me?

1 A. Most trees are, but I have not measured
2 the ones on Columbus.

3 Q. There are multiple routes from downtown
4 Chicago out to United Center, correct?

5 MR. SPAHR: Objection. Vagueness.

6 ADMINISTRATIVE LAW JUDGE FLEMING:
7 Overruled. He can answer.

8 THE WITNESS: If you're asking, there
9 are multiple streets that you can take to go west
10 from downtown.

11

12 BY MR. WILLIAMS:

13 Q. Okay. [Inaudible]?

14 A. You can.

15 Q. You can take Lake Street?

16 A. At this time you could not just because
17 Lake Street's under construction. But yes, Lake
18 Street does go west.

19 Q. Take Madison?

20 A. You could. Again, during the DNC,
21 though, I would expect there would be a security
22 perimeter there, so I don't know if that's going
23 to be a practical route.

24 Q. Did you consider -- so I just want to

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1 make sure it was you who proposed the alternative
2 route. You made the -- you put it out to other
3 agencies?

4 A. The final decision was mine.

5 Q. Well, no, you're prior to the final --
6 the only alternative given to other agencies was
7 that Columbus Drive route, correct?

8 A. I'm not sure I understand your
9 question.

10 Q. Okay. You denied the -- your head
11 denied the application, correct, based on
12 feedback from other agencies; is that right?

13 A. Correct.

14 Q. Okay. But you said before you had put
15 out another proposed route you would get feedback
16 from other agencies as well including CPD, right,
17 Chicago Police Department?

18 A. Yes. I've received feedback from other
19 agencies including CPD.

20 Q. Okay. But you [inaudible] received
21 feedback specifically about this alternative
22 route on Columbus Drive, correct?

23 A. Well, I confirmed that they were able
24 to support it.

1 Q. Okay. But you can only confirm it if
2 you told them, "Hey, what about this alternative
3 route?" Right?

4 A. I mean, yeah, they would have to know
5 about it.

6 Q. I guess my question -- did you give the
7 CPD like a list of five and ask them if they
8 could support any of them?

9 A. No. It was more of a conversation as
10 to what do we think that we'd be able to support.
11 And so we've used Columbus before, I suggested
12 Columbus, they said yes. They provided that in
13 written form that they would be able to support
14 that.

15 Q. Okay. And who gave you -- what was the
16 written form that you got that on?

17 A. That's -- again, the commander's review
18 letter that I had mentioned before.

19 Q. You got it in an e-mail?

20 A. Yes.

21 Q. Okay. So it was you who put out that
22 alternate route?

23 A. Yes. That's the route that was decided
24 on and that's the one that I confirmed with

1 police that they could support.

2 Q. Do you know if Columbus Drive is
3 visible to United Center?

4 A. I don't think it would be.

5 Q. Why? Why do you think that?

6 A. I don't they can see Columbus from --
7 the United Center from Columbus.

8 Q. Because it's too far away?

9 A. That would be one reason, yeah.

10 Q. And there are buildings and trees in
11 the way?

12 A. Sure.

13 Q. Did you give any consideration to
14 something in the sight of United Center?

15 MR. SPAHR: Objection. Calls for
16 speculation, relevance.

17 ADMINISTRATIVE LAW JUDGE FLEMING: Well,
18 I think it was kind of asked and answered as
19 well.

20 MR. SPAHR: And asked and answered.

21 ADMINISTRATIVE LAW JUDGE FLEMING: But
22 I'll let you try and answer it again. Maybe --

23 THE WITNESS: Yes. However, without
24 more information from the Secret Service as to

1 the full layout, providing a route that I can't
2 promise that would be available to them seemed
3 impractical.

4

5 BY MR. WILLIAMS:

6 Q. Are you authorized to provide a route
7 contingent on its availability of not being in a
8 security zone?

9 MR. SPAHR: Objection. Calls for
10 speculation.

11 ADMINISTRATIVE LAW JUDGE FLEMING: Well,
12 it's not speculation. I'll overrule that. Is he
13 authorized?

14 MR. SPAHR: Unclear.

15 ADMINISTRATIVE LAW JUDGE FLEMING: I
16 don't know if he is or he isn't. Do you
17 understand the question?

18 THE WITNESS: Yeah, I think I understand
19 the question. And what I would say is I don't
20 believe our permits supercede Secret Service
21 authority or Homeland Security authority. So --

22

23 BY MR. WILLIAMS:

24 Q. I don't think you understood. Let me

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1 just try and clarify. If you got a request to go
2 on Lake Street. Could you say, you know, we're
3 going to approve that unless it's in the Secret
4 Service security zone?

5 MR. SPAHR: Objection. Improper
6 hypothetical.

7 ADMINISTRATIVE LAW JUDGE FLEMING: Well,
8 again, if the witness can answer it, I'll let him
9 answer it.

10 THE WITNESS: I don't know if per the
11 ordinance I'm allowed to do that. But I probably
12 wouldn't do that if I thought it was going to
13 conflict with the layout of another event. In
14 this case, the DNC.

15

16 BY MR. WILLIAMS:

17 Q. Why would that conflict with the layout
18 of the other event?

19 A. Because it's in the immediate area of
20 the other event and it's -- it could be part of
21 their security zone, which is not a zone that I,
22 personally, determine.

23 Q. That wasn't my question [inaudible].

24 All right. Did you get any information from the

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1 CPD about the specifics of the number of officers
2 that would be required to allow this parade to go
3 forward?

4 MR. SPAHR: Objection. Asked and
5 answered.

6 ADMINISTRATIVE LAW JUDGE FLEMING: I
7 don't think that was asked and answered
8 specifically.

9 THE WITNESS: No, they don't provide me
10 specific details as to how they reached their
11 determination. They simply inform me of whether
12 or not they feel they can support the event.

13

14 BY MR. WILLIAMS:

15 Q. Are you on a committee [inaudible],
16 committee to organize the DNC?

17 A. There are various meetings that I
18 attend regarding the requirements for the DNC.

19 Q. Okay. And is public safety discussed
20 at those meetings?

21 A. I'm not on the public safety committee.
22 I'm only on the transportation and traffic
23 committee.

24 Q. Okay. Do you know if the DNC is

1 represented in the [inaudible] meeting?

2 A. I believe so.

3 Q. Do they -- they have some influence
4 over security zone and routes approved, et
5 cetera?

6 MR. SPAHR: Objection as to the
7 relevance and is calling for speculation on
8 behalf of Mr. Gallardo.

11 MR. WILLIAMS: Well, the DNC is very
12 political. They don't want President Biden's
13 facing protesters. It's in the news all the
14 time.

15 ADMINISTRATIVE LAW JUDGE FLEMING: Well,
16 that may be true, but I don't know that it's
17 relevant to our discussion today.

20 ADMINISTRATIVE LAW JUDGE FLEMING: You
21 may ask if anything influenced him, so yes, that
22 would be proper. I have no problem with that.

23

24 BY MR. WILLIAMS:

1 Q. Did anything or any entity influence
2 your decision on a denial of the application
3 other than CPD?

4 A. You mean, did I get feedback from other
5 entities or did they make a request that I
6 accommodate it are you asking?

7 Q. Did anyone make a request?

8 A. No.

9 Q. The DNC didn't make a request?

10 A. No.

11 Q. Do you know how many officers it would
12 take to secure Columbus Drive?

13 MR. SPAHR: Objection. Calls for
14 speculation.

15 ADMINISTRATIVE LAW JUDGE FLEMING: Can
16 you answer?

17 THE WITNESS: No, that would be
18 something that would need to be determined by the
19 police department.

20

21 BY MR. WILLIAMS:

22 Q. Do you know if this were accepted as
23 the alternative route if Columbus Drive would be
24 closed?

1 A. Yes. If they were going to protest --
2 if they're going to march down Columbus, then,
3 yes, it would need to be closed.

4 Q. Okay, entire strip of the alternate
5 route would be closed?

6 A. Yes.

7 MR. WILLIAMS: Your Honor, nothing
8 further.

9 ADMINISTRATIVE LAW JUDGE FLEMING: Any
10 redirect?

11 MR. WILLIAMS: Judge, can I ask -- I'm
12 sorry, I can hear what she's saying and the
13 witness is sitting right there [inaudible] --

14 ADMINISTRATIVE LAW JUDGE FLEMING:
15 Yeah --

16 MR. WILLIAMS: [Inaudible].

17 MS. SHEMASH: I'm sorry.

18 MR. WILLIAMS: I just --

19 ADMINISTRATIVE LAW JUDGE FLEMING: I
20 could -- for the record, I couldn't hear her.

21 MS. SHEMASH: That was not [inaudible].

22 MR. WILLIAMS: I'm not saying you
23 intended it [inaudible].

24 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

1 MR. SPAHR: Okay. On redirect.

2

3 REDIRECT EXAMINATION

4 BY MR. SPAHR:

5 Q. Mr Gallardo, is Columbus Drive near
6 Lake Shore Drive?

7 A. Yes, it is.

8 Q. Do you have any numbers as to how
9 traffic is on Lake Shore Drive?

10 A. There's typically over what they call
11 the ADT, average daily traffic, is over 120,000.

12 Q. And is that on a per day basis?

13 A. Yes.

14 Q. And is -- what direction does Lake
15 Shore Drive travel on?

16 A. Both north and south.

17 Q. And does Lake Shore Drive travel past
18 or towards McCormick Place?

19 A. Yes, it does.

20 Q. And is it your understanding that a
21 secondary venue for the Democratic National
22 Convention is the McCormick Place?

23 A. Yes, that's my understanding.

24 Q. Do you have any information on whether

1 or not delegates will be using Lake Shore Drive
2 to travel to McCormick Place?

3 A. I don't have specific routes for them.
4 But yes, if any of them are staying downtown,
5 which I imagine would likely be the case, or near
6 McCormick Place, yes, they would need to travel
7 on Lake Shore Drive or nearby streets to get to
8 either the United Center or back to their hotel
9 or back and forth between the United Center and
10 McCormick Place.

11 Q. And you testified that you've been on
12 Columbus, correct?

13 A. Yes.

14 Q. And when you're on Columbus, are you
15 able to see the buildings surrounding the area?

16 A. Yes.

17 Q. And are there hotels along the skyline?

18 A. Yes.

19 Q. Now, specifically focusing on the
20 United Center, when you reviewed this in terms of
21 traffic near the United Center, are you focused
22 just on the perimeter of the United Center or do
23 you take other factors into consideration of the
24 area?

1 A. We have to look at the area, itself,
2 but also, you know, if we're going to be closing
3 streets, where is that traffic going to go; where
4 are pedestrians going to go, where are cars going
5 to go, where are bicycles going to go, where are
6 emergency vehicles going to go.

7 Q. Are you aware of whether or not there
8 will need to be traffic lanes for ingress and
9 egress into the United Center?

10 A. Yes. I mean, they're going to have
11 thousands of individuals going to and from the
12 United Center. So they'll have to have access to
13 that area.

14 Q. And would alternating traffic on any of
15 the surrounding streets have an impact on
16 potential ingress and egress routes for the
17 United Center?

18 A. Yes.

19 Q. And to your knowledge, will there be
20 any protest zones at or around the United Center
21 on August 19, 2024?

22 A. I know that -- I've been on various
23 meetings, but I don't have specific locations
24 that have been finalized yet on where there may

1 or may not be protest zones.

2 Q. Will there be areas around the United
3 Center that will need to be sectioned off in
4 terms of traffic for the Democratic National
5 Convention being hosted there?

6 A. Yes. There will be a perimeter from my
7 understanding. Again, I don't have any final
8 plans, but it will -- there will be a hard
9 perimeter extending likely at least a couple
10 blocks out from the United Center in which
11 traffic will either be fully closed or at the
12 very least highly restricted.

13 Q. And to be clear, you haven't been told
14 as to what specifically the radius of the
15 perimeter would be?

16 A. No, I have not received any kind of
17 final confirmation as to the exact radius of that
18 footprint.

19 Q. Okay.

20 MR. SPAHR: No further questions.

21 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.
22 Anything on that?

23 MR. WILLIAMS: Yeah.

24

1 RECROSS EXAMINATION

2 BY MR. WILLIAMS:

3 Q. Are you saying that they're allowed to
4 march on -- for this parade to march on Lake
5 Shore Drive?

6 A. No, I did not say that.

7 Q. Okay. So you're still limiting it to
8 this one strip of Columbus Drive, correct?

9 A. Yes.

10 Q. Okay. And on this strip of Columbus
11 Drive, if you look at City's Exhibit 6?

12 A. Yes.

13 Q. Okay. And the dots designate the
14 route, correct?

15 A. Yes, I believe so.

16 Q. The blue dots? Okay. And to the east
17 of the route, that's Grant Park, right?

18 A. Yes, that is Grant Park.

19 Q. And south of there there's softball
20 fields?

21 A. Yes.

22 Q. Okay. So there's a hill down to the
23 softball fields, right?

24 A. I don't recall.

1 Q. My daughter plays lacrosse there.
2 There's a hill there. And then you go further to
3 Lake Shore Drive, there's another hill down to
4 Lake Shore Drive, right?

5 MR. SPAHR: Objection. Form.

6 ADMINISTRATIVE LAW JUDGE FLEMING:
7 Overruled.

8 THE WITNESS: Again, I don't recall.

9

10 BY MR. WILLIAMS:

11 Q. Okay. If you're in a car on Lake Shore
12 Drive, can you see activity on Columbus Drive?

13 A. Yeah, we've had issues with events in
14 the past where folks will gather on Lake Shore
15 Drive because they see activity in Grant Park or
16 on Columbus Drive.

17 Q. What -- what activity?

18 A. Whether it's Lollapalooza, NASCAR,
19 other parades that we have on Columbus. Folks
20 will stop and gather on Lake Shore Drive. It has
21 happened multiple times in the past.

22 Q. Okay. Lollapalooza takes over the
23 whole area, including the park area; is that
24 correct? All the way up to Michigan Avenue?

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1 A. Yes.

2 Q. Yeah. Okay. NASCAR drove through the
3 whole city, didn't it?

4 A. No, it drove through the Grant Park
5 area.

6 Q. Oh, so it only went on this strip of
7 Columbus Drive?

8 A. No, other streets as well, but in the
9 immediate area, not the entire city.

10 Q. Okay. Then that part was blocked off,
11 it had stands, the city shut down traffic for the
12 whole downtown, right?

13 A. In the immediate area, like on their
14 footprint.

15 Q. Okay. My point is that this is not
16 equivalent to NASCAR to restrict people to
17 walking only on Columbus Drive, on the street.
18 Not in the park, not all over downtown, not on
19 Michigan Avenue; isn't that correct?

20 MR. SPAHR: Objection. Argumentative.

21 ADMINISTRATIVE LAW JUDGE FLEMING: It's
22 sustained.

23

24 BY MR. WILLIAMS:

1 Q. This is limited only -- the alternate
2 route is limited to marching only on Columbus
3 Drive, correct?

4 MR. SPAHR: Objection. Asked and
5 answered.

6 ADMINISTRATIVE LAW JUDGE FLEMING:
7 Sustained.

8 MR. WILLIAMS: [Inaudible] it's like
9 NASCAR.

10 ADMINISTRATIVE LAW JUDGE FLEMING: But
11 the question is -- the proposed route is Columbus
12 Drive. They're not authorized to go to Grant
13 Park, go up and down the hill, or any of that
14 situation. They're only allowed on Columbus
15 Drive.

16

17 BY MR. WILLIAMS:

18 Q. How much traffic control does Columbus
19 Drive require as opposed to -- Columbus Drive
20 alternate route as opposed to the requested
21 route, more or less?

22 A. It would be less.

23 Q. And in part, that's because the
24 activity is going to be at United Center,

1 correct; the DNC activity?

2 MR. SPAHR: Objection to the form of the
3 question. I didn't understand it.

4 ADMINISTRATIVE LAW JUDGE FLEMING: Yeah,
5 I'll sustain that. I'm not sure the form is
6 right on that.

7

8 BY MR. WILLIAMS:

9 Q. Okay. The reason you're giving for the
10 more traffic control need to allow a parade
11 around United Center is because of the DNC,
12 right?

13 A. That's one contributing factor. But
14 the route, itself, would -- even without the
15 existence of the DNC would require more traffic
16 control.

17 Q. Without the DNC would it require more
18 traffic control than Columbus or less?

19 MR. SPAHR: Objection. Relevance.

20 ADMINISTRATIVE LAW JUDGE FLEMING: Well,
21 I'm -- overruled. I'm not sure where we're going
22 yet but overruled at this point.

23 THE WITNESS: Yes. It would still
24 require more.

1

2 BY MR. WILLIAMS:

3 Q. That would require more than Columbus
4 Drive. So there's really not much required at
5 Columbus Drive.

6 A. Well, part of the reason it was
7 selected is because it requires fewer resources.

8 Q. Because it's set off to the side, away
9 from the United Center, correct?

10 MR. SPAHR: Objection. Argumentative.

11 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.
12 I'll sustain that. That's part of your argument.

13 MR. WILLIAMS: [Inaudible].

14 ADMINISTRATIVE LAW JUDGE FLEMING:
15 Anything else?

16 MR. SPAHR: No further questions.

17 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.
18 Let's go off real quick. We'll take about --

19

20 [OFF THE RECORD.]

21

22 ADMINISTRATIVE LAW JUDGE FLEMING:
23 Deputy, raise your right hand.

24 DEPUTY CHIEF SHEMASH: Thank you.

1 ADMINISTRATIVE LAW JUDGE FLEMING: Do
2 you solemnly swear or affirm any testimony you give
3 will be the truth?

4 DEPUTY CHIEF SHEMASH: Yes.

5 MR. SPAHR: Proceed, Judge?

6 ADMINISTRATIVE LAW JUDGE FLEMING:
7 Proceed.

8 MR. SPAHR: All right.

9

10 DIRECT EXAMINATION

11 BY MR. DIONNE:

12 Q. Good afternoon. Could you please state
13 your name, spelling it for the record?

14 A. Gabriella Shemash, last name is
15 S-H-E-M-A-S-H.

16 Q. And who is your current employer?

17 A. Chicago Police Department.

18 Q. How long have you worked for the
19 Chicago Police Department?

20 A. 22 years.

21 Q. What is your current position with CPD?

22 A. I'm a Deputy Chief of Area 3 Patrol.

23 Q. All right. And how long have you held
24 that position?

1 A. Since December of 2021.

2 Q. Where is Area 3?

3 A. Physically it's at Belmont and Western
4 and encompasses four districts, the 12th, 19th,
5 20th, and 24th Districts.

6 Q. And where are those districts located
7 roughly?

8 A. Anywhere from -- south from Pilsen all
9 the way up to the Evanston border.

10 Q. What is your role as Deputy Chief of
11 the Chicago Police Department?

12 A. I oversee the patrol op, day-to-day
13 patrol operations of those four districts.
14 Anything that happens in them, including events.

15 Q. What is included in day-to-day
16 operations?

17 A. Oversight of police officers,
18 sergeants, lieutenants.

19 Q. Approximately, how many officers,
20 sergeants, and lieutenants do you oversee?

21 A. Approximately 1,200.

22 Q. And what are those individuals tasked
23 with in this district?

24 A. Patrol operations. So answering 911

1 calls, in-progress calls, [inaudible]
2 disturbances, arrests, et cetera.

3 Q. Do you also oversee any large city
4 events?

5 A. Yes.

6 Q. Which ones?

7 A. Anything that happens in the area. And
8 a couple of the larger ones are Pride Parade in
9 the 19th District and Puerto Rican Festival and
10 Parade in the 12th District.

11 Q. What do you have to do for these other
12 events?

13 A. Ensure we have the appropriate
14 resources in terms of personnel and equipment for
15 all of them.

16 Q. What types of equipment do you use
17 here?

18 A. Equipment for the officers, radios,
19 body cams, vehicles, and equipment for road
20 closures, such as barricades, fencing, irons, et
21 cetera.

22 Q. How does the Democratic National
23 Convention compare to some of these other events
24 you've overseen?

1 A. It will be larger than our typical
2 events.

3 Q. And have you been tasked with working
4 on the DNC?

5 A. Yes.

6 Q. What is your specific role for the DNC?

7 A. So anything -- United Center falls in
8 the 12th District, so anything outside of the
9 United Center and its perimeter falls to me.

10 Q. What has CPD been called upon to do
11 while the DNC is in Chicago?

12 A. To secure anything outside that
13 perimeter, ensure the public safety of everybody
14 around the event, as well as the safety of the
15 dignitaries going to and from their venues and
16 the event spaces.

17 Q. And you just mentioned perimeter. What
18 are you referring to when you said perimeter?

19 A. The secure perimeter of the United
20 Center. Anything outside that will fall to CPD.

21 Q. When did you start working on this
22 event?

23 A. January of 2023.

24 Q. And what are the dates of the DNC in

1 Chicago?

2 A. August 19th through the 22nd.

3 Q. What are the primary locations for the
4 DNC?

5 A. United Center and McCormick Place.

6 Q. Generally speaking, what will the
7 Chicago Police Department's role be while the DNC
8 is in Chicago?

9 A. Safety of everything outside of those
10 two venues.

11 Q. Does that include motorcades?

12 A. Yes.

13 Q. Is CPD also tasked with any kind of
14 security details?

15 A. Yes. We will have dignitary protection
16 for the dignitaries.

17 Q. What role do you have in safe travel
18 routes?

19 A. Just securing the motorcade routes from
20 the venues, from any hotels or venues, event
21 spaces, as well as public transit.

22 Q. I'm going to switch gears for a second
23 and just talk about other large events that are
24 in Chicago. Are you aware of when the Air and

1 Water Show is typically held in Chicago?

2 A. It's typically held during the week the
3 DNC is this year.

4 Q. All right. Is it also being held
5 during that time this year?

6 A. It is not. It's being moved to the
7 10th and 11th of August.

8 Q. Do you know why it's being moved to
9 those dates?

10 A. Because the police department does not
11 have the resources to ensure the safety of
12 individuals attending that event due to them
13 being utilized at DNC.

14 Q. And what kind of resources are we
15 talking about here?

16 A. Personnel, vehicles, barricade
17 equipment, street closure equipment.

18 Q. Are you aware of if this event's been
19 rescheduled?

20 A. Yes, it's been rescheduled to the 10th
21 and 11th of August.

22 Q. And why was that?

23 A. Not during the DNC so that we will have
24 adequate resources for it to take place.

1 Q. What about the start of Chicago public
2 schools this year?

3 A. It's been postponed one week.

4 Q. Why was that postponed by a week?

5 A. Typically, during that first week, we
6 perform safe passage or we have police and
7 resources on safe passage routes so that kids can
8 get to and from school safely. And during DNC we
9 will not have the personnel available to do that.

10 Q. Besides personnel, are there any other
11 resources that are in consideration for the safe
12 travel routes?

13 A. Yes. Vehicles and the equipment for
14 the officers and body cams, radios.

15 Q. Now, going back to the Democratic
16 National Convention, do you know what a national
17 special security event is?

18 A. Yes.

19 Q. What is it?

20 A. It's an event designated by the
21 Department of Homeland Security as a
22 significant -- a nationally significant event
23 that draws extra security due to possible
24 terrorist activity or criminal activity around

1 it.

2 Q. To your knowledge is the DNC considered
3 an NSSE event?

4 A. Yes.

5 Q. How did you find that out?

6 A. Through the Secret Service.

7 Q. Do you recall who, specifically, at the
8 Secret Service told you about this?

9 A. I do not.

10 Q. Was it an agent from the Secret
11 Service?

12 A. Yes.

13 Q. So what is required of CPD during a
14 designated NSSE event?

15 A. Just to provide extra security around
16 the event.

17 Q. What date do you have to start
18 deploying CPD resources in anticipation of this
19 event?

20 A. It will likely be up to a week prior to
21 the event.

22 Q. And do you have an idea when these
23 special deployments will end?

24 A. Sometime a couple days after the event.

1 Q. Do you know why it's going to be
2 lasting until a couple days after?

3 A. Yes. We still have to maintain
4 security while Secret Service takes down the
5 event and any fencing, any infrastructure they've
6 put in place for the event.

7 Q. During this time, how many officers
8 from CPD will be required to accomplish the
9 directives?

10 A. Thousands.

11 Q. During this time, are officers
12 permitted vacations?

13 A. No.

14 Q. Are officers in CPD allowed furlough
15 during this time?

16 A. No.

17 Q. What about officer trainings?

18 A. Training has been cancelled during that
19 time frame.

20 Q. Will detectives also be tasked to
21 working this event?

22 A. Yes.

23 Q. Do you know what their assignments are
24 going to be generally?

1 A. Dignitary protection.

2 Q. Are officers going to be tasked and
3 assigned to the Chicago Transit Authority?

4 A. Yes.

5 Q. What, specifically, will be their
6 assignments for that?

7 A. To secure the trains, buses, as well as
8 the platforms.

9 Q. How are officers being deployed on
10 barricaded streets?

11 A. There'll be either full closures or
12 partial closures intermittent depending on what
13 type of closure needs to be put on the street.

14 Q. Is CPD working with any other local or
15 federal agencies in anticipation of this event?

16 A. Yes. The State Police, Cook County
17 Sheriff's, some surrounding suburbs, and Secret
18 Service.

19 Q. And what, exactly, are you doing to
20 work along with those other agencies?

21 A. Just meeting and coordinating with them
22 to make sure that we're all on the same page.

23 Q. Does the Secret Service direct the
24 Chicago Police Department on how to deploy its

1 resources?

2 A. No.

3 Q. Do any other local or federal agencies
4 make that direction on how to deploy CPD
5 resources?

6 A. No.

7 Q. Whose decision is it as to how to
8 deploy those CPD resources?

9 A. The CPD.

10 Q. Are you currently aware as to how many
11 people will be coming to Chicago during the DNC?

12 A. Anticipating over a million.

13 Q. And are those people coming and going
14 during the entirety of the event?

15 A. Yes.

16 Q. Do you have an anticipation or number
17 of how many delegates will be arriving in
18 Chicago?

19 A. About 135 heads of state, and tens of
20 thousands of delegates with them.

21 Q. Are you anticipating either the
22 President or Vice President also attending the
23 DNC?

24 A. They will both be in attendance.

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1 Q. General speaking, how large of an event
2 is this for all of Chicago?

3 A. It's the largest that I will have seen
4 in my 22-year career.

5 Q. In your career, have you worked other
6 large scale events?

7 A. I've worked the Pride Parade, would be
8 the largest parade. Puerto Rican Fest.

9 Q. And how does the DNC compare to these
10 other parades that you've been a part of?

11 A. This will be significantly larger.

12 Q. I want to move on, now, to parade
13 application requests more generally. How does --
14 how do you receive a parade application request?

15 A. From the Chicago Police Department
16 Special Events Section.

17 Q. All right. Is that from a specific
18 person or through something else?

19 A. Just through e-mail from the unit.

20 Q. And when you receive an application
21 request, generally, who, if anybody, do you
22 contact?

23 A. The commander of the district in which
24 the event is occurring.

1 Q. Is that one specific commander or does
2 it vary by location?

3 A. It varies by location.

4 Q. And do you overlook or look at the
5 route that's proposed in an application?

6 A. Yes.

7 Q. All right. What do you do once you've
8 looked at that route?

9 A. I look at the route, also the time, the
10 day of the week, the time of day, and make a
11 determination as to whether it's feasible for the
12 resources we have to handle it. Or if it's
13 something that would require an outside resource
14 request.

15 Q. As part of that resource analysis, does
16 that include how many officers it might take?

17 A. Yes.

18 Q. And other equipment?

19 A. Yes.

20 Q. What are some of those other pieces of
21 equipment from CPD or resources that would be
22 anticipated?

23 A. Vehicles, radios, body cameras.

24 Q. Now, you said that you may contact

1 other city departments depending upon the size
2 and scale?

3 A. Correct.

4 Q. All right. And what is that
5 determination -- sorry, strike that.

6 Who would you contact if you determine
7 you had to contact another department?

8 A. OEMC, Streets and Sanitation, fire
9 department.

10 Q. And why would you contact those other
11 resources?

12 A. To get resources such as barricades,
13 irons, traffic cones, type 3 barricades.

14 Q. Is CPD then tasked with coordinating
15 all those other departments?

16 A. Yes.

17 Q. And what's their specific role then if
18 required to do so?

19 A. Just have a meeting and make sure that
20 everybody else also has the resources that we
21 deem necessary to get -- to ensure public safety
22 at an event.

23 Q. Now, you mentioned that you have prior
24 experience working on parades that have used the

1 public way.

2 A. Yes.

3 Q. Approximately how many?

4 A. Approximately a dozen.

5 Q. And have you dealt with parades of the
6 kind in the Petitioner's application here today?

7 A. Yes.

8 Q. Are you aware of the types of CPD
9 resources it would take to allow for these types
10 of parades?

11 A. Yes.

12 Q. So let's look, actually. I put in
13 front of you what's previously been entered as
14 City's Group Exhibit 3A through C. Do you
15 recognize what's in front of you?

16 A. Yes.

17 Q. All right. And were you given a copy
18 of the Petitioner's parade that was submitted on
19 February 29, 2024?

20 A. Yes.

21 Q. Do you recall when you received this?

22 A. It was several weeks ago.

23 Q. And do you recall by whom you received
24 it?

1 A. From the Chicago Police Department's
2 Special Events Section.

3 Q. When you received it, did you have an
4 opportunity to review it?

5 A. Yes.

6 Q. And looking at that application, what
7 was the requested date of this parade?

8 A. This is the 19th of August 2024.

9 Q. And what's the assembly time?

10 A. 11:00 a.m.

11 Q. The start time?

12 A. 12:00 p.m.

13 Q. End time?

14 A. 2:15 p.m.

15 Q. And disbursement time?

16 A. 3:00 p.m.

17 Q. Is there an estimated number of
18 participants for this parade?

19 A. Yes. 5,000.

20 Q. And is there a proposed route for this
21 parade?

22 A. Yes.

23 Q. What is that route?

24 A. The route begins at Union Park, goes

1 west on Washington Boulevard until Western. At
2 Western Avenue it goes south until Jackson. At
3 Jackson, it turns east. On Jackson it goes east
4 until Ashland and then northbound on Ashland
5 returning to Union Park.

6 Q. Are you familiar with this area of the
7 city?

8 A. Yes.

9 Q. And how are you familiar with it?

10 A. It's entirely in the 12th District. I
11 was the commander there for approximately two
12 years prior to my current assignment.

13 Q. Would you please describe what Union
14 Park is like at this location?

15 A. Sure. Quite a large park, mostly
16 grass, a field house, has several baseball
17 diamonds, tennis courts, sports areas.

18 Q. And how about Washington Boulevard,
19 could you please describe that street?

20 A. Sure. It's a one-way going westbound,
21 west of Union Park. And it's eastbound going
22 east of Union Park. In this case, the westbound
23 lanes, primarily residential and then passes the
24 United Center to the north.

1 Q. So the United Center is south of
2 Washington at this location?

3 A. Correct.

4 Q. Can you next describe Western Avenue?

5 A. A large thoroughfare, runs north south,
6 has two lanes of traffic on each side and a
7 parking lane.

8 Q. And Jackson Boulevard?

9 A. Jackson Boulevard is an one-way street
10 going eastbound, primarily there's some schools,
11 some residences, and it encompasses Malcolm X
12 College just to the north of it.

13 Q. And finally, can you describe Ashland
14 Avenue?

15 A. Ashland is another major thoroughfare,
16 runs north south, two lanes of traffic in each
17 way and a parking lane. Also a thoroughfare to
18 our medical district.

19 Q. And the medical district you just
20 mentioned, where is that in relation to this
21 proposed route?

22 A. Just south of this.

23 Q. Is the United Center encompassed by
24 this proposed route?

1 A. Yes.

2 Q. And what kind of resources,
3 officer-wise, would it require to secure this
4 proposed route?

5 A. This would take hundreds of officers.

6 Q. Why would it take hundreds of officers?

7 A. It's almost a three-mile route and it
8 would require us to close at least 30 major
9 intersections, as well as additional minor
10 arterial streets and alleyways.

11 Q. When you say "close the street," would
12 that just be -- would you have to close all
13 directions of traffic for this proposed route on
14 these streets?

15 A. Yes.

16 Q. Why?

17 A. With a group of 5,000 walking through
18 the streets, we'd have to make sure there was no
19 traffic that would drive into this parade.

20 Q. And you also mentioned arterial
21 streets. Could you elaborate on that?

22 A. Sure. The small streets or driveways,
23 alleyways, the people will inevitably try to
24 bypass road closures to get around. We'd still

1 have to station officers there and/or barricades
2 there to ensure that traffic doesn't drive into
3 the parade.

4 Q. Approximately, how many other streets
5 besides the four on this application would have
6 to be closed to secure this route?

7 A. I estimate approximately 30, a little
8 over 30 major intersections.

9 Q. And do you know what a security
10 perimeter is?

11 A. Yes.

12 Q. Does a security perimeter exist at or
13 near the location of the United Center?

14 A. It will, yes.

15 Q. It will. So what does that mean,
16 exactly?

17 A. During the DNC there will be secure
18 perimeter.

19 Q. Is that around the United Center?

20 A. Yes.

21 Q. Do you know how large the secure
22 perimeter is going to be at this point?

23 A. I don't know exactly, but it will
24 likely extend a few blocks in every direction

1 from the United Center.

2 Q. And every direction being north, east,
3 south, and west?

4 A. Yes.

5 Q. All right. And who is going to inform
6 you as to what that perimeter is going to be?

7 A. Secret Service.

8 Q. And at this point, have they informed
9 you of that?

10 A. No.

11 Q. So based upon the Petitioner's
12 application, was there recommendation was made?
13 Excuse me. Was there a recommendation made?

14 A. Yes.

15 Q. And who made that recommendation?

16 A. I did.

17 Q. And what recommendation did you make?

18 A. That it should be denied.

19 Q. And what was that denial recommendation
20 based upon?

21 A. It based upon the day and time in
22 question. It coincides with the DNC where our
23 resources already for tasks related to DNC, as
24 well as the streets -- the route this is on, the

1 likelihood is that much of it will be within the
2 secure perimeter. And both pedestrian and
3 vehicle traffic will not be allowed.

4 Q. Was that recommendation also based upon
5 any proximity to the medical district?

6 A. Well, Ashland Avenue, yes. Any closure
7 on Ashland does affect, potentially, emergency
8 vehicles going to emergency rooms at several
9 hospitals.

10 Q. Did the time of this proposed parade
11 affect your determination?

12 A. It is in the middle of the day, so yes.
13 I mean, there's always heavy traffic in the area,
14 but it will be especially heavier traffic due to
15 DNC.

16 Q. And what about the amount of people
17 anticipated for this parade?

18 A. Yes, 5,000, that's a lot of
19 participants.

20 Q. Did CPD or yourself anticipate more
21 than the 5,000 or less than 5,000?

22 A. We always anticipate that there could
23 be more.

24 Q. Why do you anticipate that there could

1 be more?

2 A. So that we can have the adequate
3 resources if needed.

4 Q. So going back to the streets, you said
5 that Ashland and Western are major north south
6 roads?

7 A. Yes.

8 Q. And why can't CPD close off Ashland
9 specifically?

10 A. That's the major thoroughfare right
11 into the medical district, several hospitals and
12 their emergency rooms. So any ambulance coming
13 from the north could possibly be coming down
14 Ashland.

15 Q. And what about for Western?

16 A. The same goes for Western, it's a
17 little bit west of the medical campus, but still
18 leads to the general area.

19 Q. Deputy Chief, what is a security
20 bubble, if you know?

21 A. I don't know what a security bubble is.

22 Q. What about a secure footprint?

23 A. Yes.

24 Q. What is a secure footprint?

1 A. It's an area designated by either the
2 police department or, in this case, Secret
3 Service that determines what can and cannot come
4 out of that. So whether that be pedestrians,
5 vehicles, et cetera, or would require people to
6 be subject to search if entering the perimeter.

7 Q. Is the United Center during this time
8 going to be part of a secure footprint?

9 A. Yes.

10 Q. And who is in charge of setting up the
11 perimeter of this footprint?

12 A. The Secret Service.

13 Q. Do you know what that entails?

14 A. I know they do a blast assessment, but
15 I don't know how they make their final
16 determination.

17 Q. Is CPD going to be part of this
18 footprint?

19 A. I don't know.

20 Q. Do you have an anticipation of how many
21 officers are going to be needed to secure the
22 area around the United Center at this time?

23 A. Likely be hundreds if not thousands.

24 Q. And besides officers, what other

1 resources are going to required of CPD at this
2 time in that area?

3 A. Keeping motorcade routes clear and then
4 actually assisting motorcades, taking them to and
5 from hotels, venues, event spaces.

6 Q. Did you do an analysis as to how many
7 officers, roughly, it would take to secure the
8 proposed route on this application?

9 A. Yes.

10 Q. And do you have a rough figure as to
11 just the officers that would be required?

12 A. It would take a couple hundred.

13 Q. In anticipation just to the bodies,
14 what, if any, other resources would be required?

15 A. Vehicles, equipment for every officer
16 on the route, and barricades.

17 Q. Approximately how many vehicles, do you
18 believe?

19 A. I don't know. I didn't do a vehicle
20 analysis in depth.

21 Q. Now, after you made this determination,
22 did you report it?

23 A. Yes.

24 Q. And who did you report that to?

1 A. To Commander Giltmier.

2 Q. And after Commander Giltmier got that
3 determination, do you know where it went next?

4 A. To the Chicago Police Department
5 Special Events Section.

6 Q. And do you know where it goes from
7 there?

8 A. To the Chicago Department of
9 Transportation.

10 Q. And do you know if it goes to any
11 specific person at the Chicago Department of
12 Transportation?

13 A. I do not.

14 Q. But it does go to the Department of
15 Transportation, to your knowledge?

16 A. Yes.

17 Q. Now, Deputy Chief, are you aware of an
18 alternate parade route that was proposed?

19 A. Yes.

20 Q. All right. Do you know what that
21 alternative route is?

22 A. Columbus, between Roosevelt and
23 Jackson.

24 Q. Do you happen to know why that route

1 was chosen?

2 A. Yes. It's downtown, it's highly
3 visible, and it's much less manpower-intensive
4 for us to provide closures for.

5 Q. Why is it much less manpower-intensive?

6 A. It's shorter and it's one straight
7 route.

8 Q. In addition to requiring fewer
9 officers, does it require fewer other resources
10 from CPD?

11 A. Yes. It would require less vehicles,
12 less equipment, less barricades, and it's also
13 not near any hospitals.

14 Q. Besides providing all of this while the
15 DNC is in Chicago, what else is CPD responsible
16 at the same time?

17 A. Maintaining public safety in all of our
18 districts and responding to over 20,000 911 calls
19 per day.

20 Q. And is that all throughout the city
21 limits of Chicago?

22 A. Yes.

23 MR. DIONNE: Judge, nothing further at
24 this time. We tender the witness.

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1 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

2 Cross?

3 MR. WILLIAMS: Okay.

4

5 CROSS EXAMINATION

6 BY MR. WILLIAMS:

7 Q. Thank you. Good afternoon.

8 A. Good afternoon.

9 Q. It sounds like a lot work to
10 accommodate the DNC, is that correct?

11 A. Yes.

12 Q. Okay. Why not just shut down all
13 parades, marches, and protests during that
14 period?

15 MR. DIONNE: Objection. Argumentative.

16 ADMINISTRATIVE LAW JUDGE FLEMING:

17 Sustained.

18

19 BY MR. WILLIAMS:

20 Q. Would you recommend that the City shut
21 down all marches, protests, and parades during
22 that period of time?

23 MR. DIONNE: Objection. Relevance.

24 ADMINISTRATIVE LAW JUDGE FLEMING:

1 Sustained. It's a recommendation and she may
2 have personal feelings one way or the other, but
3 that's not what we're dealing with here.

4 MR. WILLIAMS: But she's made a
5 recommendation about approving a parade.

6 ADMINISTRATIVE LAW JUDGE FLEMING: About
7 this particular parade. But you're asking about
8 parades in general. Again, the fact --

9 MR. WILLIAMS: Nothing different than
10 esteemed counsel here asking parade applications
11 in general. He asked.

12 ADMINISTRATIVE LAW JUDGE FLEMING: No.
13 I don't see it that way, I'm sorry. I thought
14 the question was directed as to whether the
15 deputy felt that there basically shouldn't be any
16 parades during the DNC. And maybe she does, but
17 that's not relevant to this case.

18 MR. WILLIAMS: Okay.

19

20 BY MR. WILLIAMS:

21 Q. You testified about parade applications
22 in general, correct, and you were asked about
23 that?

24 A. Sure, yes.

1 Q. Do you make recommendations on parade
2 applications?

3 A. Yes.

4 Q. Given all that you testified has to
5 happen during the DNC, is it your recommendation
6 that no parades, marches, or protests be held in
7 Chicago during the DNC?

8 MR. DIONNE: Objection. Relevance.

9 ADMINISTRATIVE LAW JUDGE FLEMING:
10 Again, where's the relevance?

11 MR. WILLIAMS: Well, this is a parade
12 application. She is recommending it not be held
13 [inaudible] United Center.

14 ADMINISTRATIVE LAW JUDGE FLEMING: Based
15 upon the specific factors that she enumerated.
16 But again, I don't feel these questions are
17 relevant to this particular case.

18

19 BY MR. WILLIAMS:

20 Q. Do you believe citizens in Chicago have
21 the right to exercise First Amendment
22 [inaudible].

23 MR. SPAHR: Objection, Judge.
24 Relevance.

1 ADMINISTRATIVE LAW JUDGE FLEMING:

2 Sustained.

3

4 BY MR. WILLIAMS:

5 Q. Did you take into consideration the
6 First Amendment rights of Chicago citizens
7 [inaudible] recommending the parade route not be
8 approved?

9 A. Yes. I always take that into
10 consideration.

11 Q. And what did you consider?

12 A. I consider whether or not we can ensure
13 the safety of citizens while they exercise those
14 rights.

15 Q. And you determined that the CPD could
16 not for the proposed route?

17 A. That's correct.

18 Q. Were you asked to consider alternate
19 routes?

20 A. I gave an alternate route.

21 Q. Did you provide the route on Columbus
22 Drive, the alternate route?

23 A. I was given that route as an option and
24 it was provided.

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1 Q. Did you consider anything -- any other
2 alternate route within three miles of the United
3 Center?

4 A. It was not presented to me as an option
5 to do so. We were --

6 Q. So you weren't given an option to
7 consider any alternative route?

8 MR. DIONNE: Objection.

9 ADMINISTRATIVE LAW JUDGE FLEMING: I
10 think that's unclear. Because I took it as the
11 Deputy was not given the option of herself
12 proposing routes.

13 THE WITNESS: Correct.

14 ADMINISTRATIVE LAW JUDGE FLEMING:
15 You're -- there's an assumption that that's part
16 of her responsibility that I didn't pick up.

17 MR. WILLIAMS: No, I think I asked -- I
18 agree that's the answer she gave. And that's
19 what I was trying to get at.

20

21 BY MR. WILLIAMS:

22 Q. So the only alternate you were
23 presented with and asked to give an opinion about
24 was the one on Columbia Drive; is that correct?

1 A. Correct.

2 Q. Do you believe there could be other
3 alternates closer to United Center?

4 MR. DIONNE: Objection. Call for
5 speculation.

6 ADMINISTRATIVE LAW JUDGE FLEMING:

7 Sustained.

8

9 BY MR. WILLIAMS:

10 Q. Do you know why you were not asked?

11 MR. DIONNE: Objection. Calls for
12 speculation.

13 ADMINISTRATIVE LAW JUDGE FLEMING:

14 Sustained.

15

16 BY MR. WILLIAMS:

17 Q. You said you were given the permit
18 application, City's Exhibit 3A through 3C, by the
19 police department special events; is that right?

20 A. Correct.

21 Q. Okay. Were you given that by e-mail?

22 A. Yes.

23 Q. And what were you asked to do?

24 A. To review the application.

1 Q. And specifically, what were you asked
2 to do?

3 A. We review the application and determine
4 whether or not we have any objections.

5 Q. And who is we?

6 A. We, I. And I always confer with the
7 District Commander.

8 Q. Okay. And you testified that there
9 would be hundreds, if not thousands of police
10 officers around the United Center during the DNC;
11 is that correct?

12 A. Correct.

13 Q. So if there were a parade nearby the
14 United Center there would already be a pretty
15 large police force directing traffic, is that
16 right?

17 MR. DIONNE: Objection, Judge. Improper
18 hypothetical.

19 ADMINISTRATIVE LAW JUDGE FLEMING: It's
20 sustained. I mean, she's testified there's
21 policemen in the area, but rephrase it if you
22 want to try.

23

24 BY MR. WILLIAMS:

1 Q. Would the thousand or so police
2 officers in the area be directing traffic in
3 part, some of them?

4 A. They will have tasks that will be
5 specific to the DNC at any given time.

6 Q. Including directing traffic?

7 A. Possibly.

8 Q. Okay. Including blocking
9 intersections?

10 A. At times.

11 Q. Okay. When you look at City's
12 Exhibit 4, the proposed route and the
13 application, you understand this is a -- the
14 proposal is to have a march, correct?

15 A. Yes.

16 Q. And by march, it indicates that they
17 will continue to move; is that right?

18 A. Yes.

19 Q. Okay. And so the crowd would not be in
20 all the way around this route at the same time.

21 MR. DIONNE: Objection, Judge. It calls
22 for speculation.

23 ADMINISTRATIVE LAW JUDGE FLEMING: No.
24 I think I see where he's going but overruled.

1 You can answer.

2 THE WITNESS: Well, they likely wouldn't
3 be -- yes, around the entire thing at the same
4 time.

5

6 BY MR. WILLIAMS:

7 Q. So in other words, I mean, just
8 specifically when they were marching down
9 Western, they wouldn't be on Ashland, right?

10 A. That's assuming the group stays
11 together. It's also assuming they can get from
12 one place to the other. Because likely they
13 won't be able march through portions of this due
14 to the perimeter being in effect.

15 Q. Okay. I'm going to refer to the
16 section of Ashland on this map and a section of
17 Western on this map. Okay. So when I say
18 Ashland and Western, just talking about this
19 section.

20 A. Uh-huh.

21 Q. Are you aware of this section of
22 Ashland ever being shut down for anything; a
23 parade, a marathon, a march, anything?

24 MR. DIONNE: Objection. Relevance.

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1 ADMINISTRATIVE LAW JUDGE FLEMING:

2 Overruled. If she knows.

3 THE WITNESS: I know it's been

4 temporarily shut down if there's an emergency.

5 But we always move swiftly to clear it due to its
6 proximity to the hospital district.

7

8 BY MR. WILLIAMS:

9 Q. Okay. But never for an event?

10 A. To my knowledge, no.

11 Q. Okay. So this concern about Ashland
12 and the medical district, that concern is all the
13 time, correct?

14 A. Yes. It's always next to the medical
15 district.

16 Q. It's not just associated with the DNC
17 event, correct?

18 A. Correct.

19 Q. Okay. Have you ever permitted a march
20 on Ash -- this section of Ashland Avenue?

21 MR. DIONNE: Objection. Relevance.

22 ADMINISTRATIVE LAW JUDGE FLEMING: Well,
23 I'll sustain the objection because it assumes,
24 first of all that she was ever asked to approve a

1 march on Ashland Avenue.

2 MR. WILLIAMS: I'll ask that --

3 ADMINISTRATIVE LAW JUDGE FLEMING: I'm
4 mean, you're pulling it out, so yeah. And it
5 also, again, assumes whether the deputy has the
6 authority now. Once we -- the situation would be
7 what has she ever recommended or approved, make a
8 recommendation in favor of a march in that area.

9

10 BY MR. WILLIAMS:

11 Q. Have you ever been asked to allow a
12 group to march on Ashland Avenue?

13 A. By permit, no.

14 Q. Have you ever been asked at all?

15 A. No. Have I been asked by a permit or
16 asked? No. However, have protesters done it?
17 Yes. Not with my permission or recommendation.

18 Q. Have you ever agreed that protesters
19 could march on half of Ashland Avenue
20 [inaudible].

21 A. Not agreed to it. What -- we've had
22 protesters that were marching on Ashland so we
23 had to kind of, on the fly, make amended street
24 closures for the safety of people on that street.

1 But it was never anything that I would,
2 personally, recommend or advocate for.

3 Sometimes protesters do -- unpermitted
4 protesters do what they want to do and we can't
5 let them get run over by vehicular traffic. So
6 we have to make decisions on the fly.

7 But had I ever seen a permit or written
8 request for the use of Ashland, I would never
9 consider closure, whether it be partial or full.

10 Q. When -- you testified you're involved
11 in other events that occur in Chicago; is that
12 correct?

13 A. Correct.

14 Q. Permitted events, correct?

15 A. Permitted and unpermitted.

16 Q. Okay. If there is a -- for example,
17 the Chicago Marathon, by definition goes 26.3
18 miles, I believe, through the City of Chicago; is
19 that correct?

20 MR. DIONNE: Objection as to relevance.

21 It's not a question, Judge.

22 ADMINISTRATIVE LAW JUDGE FLEMING: I
23 overrule --

24 MR. WILLIAMS: Judge, I just want to

1 establish that they can close streets and then
2 open them. Because if it's a moving target they
3 can close and open. They do it all the time for
4 the Chicago Marathon, Bike the Ride, you name it,
5 they can close and open streets.

6 ADMINISTRATIVE LAW JUDGE FLEMING: Who
7 is "they?"

8 MR. WILLIAMS: The City. The witness.

9 ADMINISTRATIVE LAW JUDGE FLEMING:
10 You're dealing with the police officers.

11 MR. WILLIAMS: Yes, the witness.

12 ADMINISTRATIVE LAW JUDGE FLEMING: So
13 the --

14 MR. WILLIAMS: She testified to his
15 questions that she's been involved in these for
16 three years.

17 ADMINISTRATIVE LAW JUDGE FLEMING: I'll
18 let you try and do it, but I -- well, proceed and
19 we'll see where we go. And at any time that you
20 don't understand, you can ask him to rephrase.

21 THE WITNESS: So can you please ask the
22 question one more time?

23

24 BY MR. WILLIAMS:

1 Q. If you have a permitted event that is
2 moving, you can close streets and then when the
3 event passes open them up, correct?

4 MR. DIONNE: Objection as to vagueness,
5 then, Judge.

6 ADMINISTRATIVE LAW JUDGE FLEMING:

7 Again, she can -- I didn't mean to [inaudible].

8 THE WITNESS: All right. Assuming that
9 we have the personnel and the vehicles and the
10 equipment to do so, then yes, it's possible.

11

12 BY MR. WILLIAMS:

13 Q. Okay. It happens all the time in
14 Chicago, right?

15 A. Sure, it's like something for the
16 marathon. That's makes sense.

17 Q. I went to the Irish parade the other
18 day, right? All the time. And you testified
19 there'd be thousands of police officers around
20 United Center?

21 A. Yes.

22 Q. Would most of those officers have
23 vehicles.

24 A. I don't know.

1 Q. Okay. Did you provide any kind of
2 traffic analysis around -- to the Chicago
3 Department of Transportation around the United
4 Center?

5 A. No.

6 Q. Okay. It's been a while since
7 Chicago's hosted a Democratic National
8 Convention, right?

9 A. Yes.

10 Q. '68 was the last time.

11 MR. DIONNE: Objection. Relevance.

12 ADMINISTRATIVE LAW JUDGE FLEMING:

13 Sustained. '96.

14 MR. WILLIAMS: Was it '96? [Inaudible].

15 ADMINISTRATIVE LAW JUDGE FLEMING: Bill
16 Clinton.

17 MR. WILLIAMS: Okay. All right.
18 [Inaudible].

19

20 BY MR. WILLIAMS:

21 Q. Do you ever reach out -- does the
22 police department, Chicago Police Department, to
23 your knowledge, ever reach out to other cities to
24 get advice on conducting the Democratic National

1 Convention?

2 MR. DIONNE: Objection. Relevance.

3 ADMINISTRATIVE LAW JUDGE FLEMING: Yes.

4 It's sustained. You could ask -- I suppose you
5 could ask the deputy if she in her capacity in
6 planning has reached out, but that might be
7 irrelevant, too. But you could ask it.

8

9 BY MR. WILLIAMS:

10 Q. Have you ever reached out to New York
11 to ask where they allow protests if conventions
12 were held in Madison Square Garden?

13 MR. DIONNE: Objection. Relevance.

14 ADMINISTRATIVE LAW JUDGE FLEMING:

15 Overruled.

16 THE WITNESS: No.

17

18 BY MR. WILLIAMS:

19 Q. Did you reach out to any other city
20 agencies to get information about the request
21 [inaudible] parade route?

22 A. No.

23 Q. So the recommendation you made was
24 based just on Chicago Police Department?

1 A. Correct.

2 Q. And who did you give that
3 recommendation to?

4 A. Commander Giltmier.

5 Q. Okay. And how did you give that
6 recommendation to Commander Giltmier?

7 A. We spoke.

8 Q. And what did you say?

9 A. That I recommend that the permit be
10 denied based on what I've already testified to.

11 Q. You told her that verbally?

12 A. Yes.

13 Q. How long was that conversation?

14 A. I don't know.

15 Q. You told her all the things you said
16 today?

17 A. Yes.

18 Q. Did you provide her anything in
19 writing?

20 A. No.

21 Q. And did you ever speak to anyone in the
22 Chicago Department of Transportation?

23 A. No.

24 Q. Do you know what information was

1 relayed from CPD to the Chicago Department of
2 Transportation?

3 A. Just Commander Giltmier's objection
4 letter.

5 Q. And do you know what was in the
6 objection letter?

7 A. I don't recall without looking at it.

8 Q. Do you know if there were specific
9 bases for objecting?

10 A. I don't.

11 Q. Do you know if Commander Giltmier
12 recommended any other areas closer to the United
13 Center than Columbus Drive?

14 MR. DIONNE: Objection. Calls for
15 speculation.

16 ADMINISTRATIVE LAW JUDGE FLEMING:
17 Overruled. If she knows.

18 THE WITNESS: I don't.

19

20 BY MR. WILLIAMS:

21 Q. In other words, you didn't see the
22 communications between Commander Giltmier and
23 Chicago Department of Transportation, correct?

24 A. I don't recall without seeing it.

1 Q. The Air and Water Show has been
2 rescheduled, correct?

3 A. Yes.

4 Q. [Inaudible] required for that, correct?

5 A. Correct.

6 Q. Okay. Chicago public school opening
7 has been delayed, is that correct?

8 A. Yes.

9 Q. So any officers assigned to that would
10 not be required for that during the DNC, correct?

11 A. They'll be at DNC.

12 Q. Okay. Yeah, but they wouldn't be
13 dealing with helping the schools, correct?

14 A. Correct.

15 Q. If you were asked if the parade could
16 be held outside of the security perimeter of the
17 United Center, would you recommend that --

18 MR. DIONNE: Objection. Improper
19 hypothetical.

20 ADMINISTRATIVE LAW JUDGE FLEMING:

21 Sustained.

22

23 BY MR. WILLIAMS:

24 Q. Is there anywhere other than Columbus

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1 Drive that you would recommend a parade to be
2 held at this time?

3 MR. DIONNE: Objection. Relevance.

4 ADMINISTRATIVE LAW JUDGE FLEMING:
5 Sustained.

6

7 BY MR. WILLIAMS:

8 Q. Are you here to testify on behalf of
9 the Secret Service today?

10 A. No.

11 Q. Are you -- do you create -- are you
12 part of creating any incident action plans
13 related to DNC?

14 A. No.

15 Q. Has one been created for the week of
16 the DNC?

17 A. Not to my knowledge.

18 MR. WILLIAMS: I don't have anything
19 else.

20 ADMINISTRATIVE LAW JUDGE FLEMING:
21 Anything on --

22 MR. WILLIAMS: Again, Judge --

23 ADMINISTRATIVE LAW JUDGE FLEMING:
24 You're getting a little too close --

1 MR. WILLIAMS: [Inaudible] right?

2 ADMINISTRATIVE LAW JUDGE FLEMING: I can
3 almost hear you now.

4 MR. DIONNE: One moment, please, Judge.

5 Sorry. Judge, no redirect based upon that.

6 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

7 MR. WILLIAMS: Any other witness?

8 MR. DIONNE: No other witnesses at this
9 time but --

10 ADMINISTRATIVE LAW JUDGE FLEMING: No,
11 but we have to address the Exhibit --

12 MR. DIONNE: Yes, Judge. But just for
13 clarification of the record, the only City
14 Exhibit that's at issue is Group 2, correct?

15 ADMINISTRATIVE LAW JUDGE FLEMING: It's
16 the affidavit.

17 MR. DIONNE: Yes. Everything else has
18 been --

19 ADMINISTRATIVE LAW JUDGE FLEMING:
20 Everything else was in by stipulation.

21 MR. DIONNE: Right.

22 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.
23 And I know we addressed this earlier. But that's
24 a separate transcript, so Counsel, your

1 objections to Rashad Sprague [phonetic] is --
2 MR. WILLIAMS: Okay. I'm going to
3 object. This is attempting to introduce
4 significant relevant testimony presumably it
5 provides some context. But without [inaudible]
6 due process [inaudible] allowing us to cross
7 examine this witness as to what he's testifying
8 to, including the necessary security perimeters,
9 security checkpoints, and other activities that
10 would be required during the DNC, his testimony
11 is self-serving for the City without an
12 opportunity to object or to cross examine.

13 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.
14 City?

15 MR. DIONNE: So Judge, in response, the
16 testimony of this affidavit is relevant and the
17 standard here at the Department of Administrative
18 Hearings, which allows for hearsay, ultimately
19 goes upon whether or not this is reasonably
20 relied upon.

21 We know this can be reasonably relied
22 upon because it is signed by the attestant,
23 Rashad Sprague, who works for the Secret Service,
24 as well as signed by a notary public at the

1 bottom.

2 The information in here and any
3 admissibility determination would ultimately go
4 to weight and whether or not the Court is to
5 consider the information that's contained within
6 this directive, Judge.

7 Because we believe we've met the
8 evidentiary standards as required by this
9 courthouse, we ask that Group Exhibit 2 be
10 admitted into evidence at this time.

11 ADMINISTRATIVE LAW JUDGE FLEMING: All
12 right. It will be allowed in evidence. We do
13 allow hearsay. And additionally, balancing the
14 question of having the opportunity to confront
15 the witness, the affidavit does not render any
16 opinion from the affiant, individually, or on
17 behalf of the Secret Service as to whether or not
18 the parade should be allowed, should not be
19 allowed, whether the route was fine, whether the
20 alternate was [inaudible].

21 So it does give some -- flushes out some
22 of the information that we have, including from
23 the exhibit from Homeland Security, which was
24 allowed in evidence. So the document will be

1 allowed in. So with that, City rests?

2

6

7 MR. DIONNE: Yes, Judge.

8 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

11 ADMINISTRATIVE LAW JUDGE FLEMING: Oh,
12 yeah. Allowed over objection. Do you need a couple
13 of minutes to talk to your guys?

14 MR. WILLIAMS: No.

15 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

16 MR. DIONNE: Judge, may we excuse Deputy
17 Chief Shemash?

18 ADMINISTRATIVE LAW JUDGE FLEMING: Sure.

19 DEPUTY CHIEF SHEMASH: Thank you.

20 ADMINISTRATIVE LAW JUDGE FLEMING: Thank
21 you.

22 MR. WILLIAMS: You're done then?

23 MR. DIONNE: Yes, the City is resting.

24 ADMINISTRATIVE LAW JUDGE FLEMING: All

1 right, Counsel, so I don't make the same mistake as
2 last time, you did defer your opening statement so.

3 MR. WILLIAMS: I'll pass on the opening,
4 Judge.

5 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.
6 Sir, please raise your right hand. Do you solemnly
7 swear or affirm any testimony you give will be the
8 truth?

9 MR. RATHBURN: I do.

10

11 DIRECT EXAMINATION

12 BY MR. WILLIAMS:

13 Q. Can you state and spell your name for
14 the record?

15 A. Henry Rathburn, H-E-N-R-Y,
16 R-A-T-H-B-U-R-N.

17 Q. Okay. And that's the legal name given
18 to you at birth?

19 A. Yes, it is.

20 Q. Do you go by a different name?

21 A. Yes, I do.

22 Q. What's that name?

23 A. Liz Rathburn.

24 Q. Okay. Would you prefer I called you

1 Liz?

2 A. Yes, I would.

3 Q. Okay. Are you affiliated with an
4 organization called Students for a Democratic
5 Society at UIC?

6 A. Yes, I am. I'm the president.

7 Q. Is it okay if I call it SDS?

8 A. Yeah, sure.

9 Q. Thank you. I'm going to show you
10 what's been marked -- previously marked as City's
11 Exhibit 3A through C. Can you take a look at
12 that?

13 A. This is an application [inaudible].

14 Q. Please turn to the last page. Is that
15 your signature on the last page?

16 A. Yes, it is.

17 Q. And you are submitting a request for a
18 parade on behalf of SDS at UIC?

19 A. Yes.

20 Q. Are you the only one submitting the
21 request?

22 A. No. We're submitting it as an
23 organization, but, you know, I'm the one who
24 filed the paperwork.

1 Q. Okay. And who's in SDS; what's the
2 group made up of?

3 A. It's about 30-ish UIC students.

4 Essentially all folks who go to UIC. Different
5 levels, some are graduates, some are under
6 graduates.

7 Q. Okay.

8 A. That's [inaudible].

9 Q. But all are students?

10 A. Absolutely.

11 Q. That's a criteria for the group?

12 A. Correct.

13 Q. And can you tell me what the title of
14 the march you put in your application?

15 A. Yes. March Against the U.S. Funded
16 Gaza Genocide.

17 Q. And so is the purpose of this march
18 focused on the war in the Middle East?

19 A. Yes. We're hoping to express our
20 political view that the U.S. funding of the State
21 of Israel and their military is [inaudible].

22 Q. Okay. And why did you use the term
23 march?

24 A. We going to be moving fairly quickly.

1 We're not going to stop and we're going to try to
2 keep the crowd going from Union Park all the way
3 over and around.

4 Q. Okay. And can you summarize -- well,
5 let me show what's been previously marked
6 Exhibit -- City's Exhibit 4. Can you look at
7 that?

8 A. Yeah. So this looks like the march
9 route.

10 Q. So this is the requested parade route
11 in your application, correct?

12 A. Yes.

13 Q. Okay. What time period were you
14 looking to march?

15 A. August 19th, from 12:00 to 2:15, I
16 think is what I [inaudible].

17 Q. Okay. And this is an accurate --
18 City's Exhibit 4 is an accurate reflection of the
19 parade route?

20 A. Yeah, [inaudible].

21 Q. Okay. Would you intend to be on
22 Washington Avenue at the same time the crowd is
23 on Jackson Boulevard?

24 A. No. We would be turning onto -- yeah,

1 we'd be turning to Western. [Inaudible].

2 Q. Okay. I guess, in other words, your
3 group would be staying together, they wouldn't be
4 all around the square, correct?

5 A. No, that's what the marshals are for.

6 Q. And when you mention marshals, what are
7 you plans to organize the marshals?

8 A. Yes, we're going to be having
9 volunteers in [inaudible] jackets to guide people
10 along the route, to make sure everybody knows
11 where restrooms, water, [inaudible].

12 Q. Okay. And is it your intention to have
13 a non-violent, family-friendly march or something
14 different?

15 A. We want it to be as peaceful, as
16 family-friendly, and as accessible to the general
17 public as possible.

18 Q. And will the marshals be directing
19 [inaudible]?

20 A. Yes, that route.

21 Q. And the leaders of the march as well?

22 A. [Inaudible].

23 Q. Who is your message [inaudible]
24 directed at?

1 MR. DIONNE: Objection. Relevance.

2 ADMINISTRATIVE LAW JUDGE FLEMING:

3 Overruled.

4 THE WITNESS: The message of our protest
5 is directed very specifically. It's directed at
6 the Democratic Party apparatus and even more
7 specifically than that, at the folks in federal
8 power; the senators, congressmen, ambassadors,
9 and of course, President Joe Biden.

10

11 BY MR. WILLIAMS:

12 Q. And why are you targeting that
13 audience?

14 A. They have the authority to end U.S. aid
15 to Israel.

16 Q. They have the federal authority to
17 [inaudible]?

18 A. Exactly.

19 Q. How do you intend to convey your
20 message?

21 A. Through chants, banners, speeches, and
22 I guess, yeah, protest signs.

23 Q. Okay. So is it important for you to be
24 within sight and sound of the Democratic National

1 Convention at the United Center?

2 A. It absolutely is.

3 Q. Why is that?

4 A. Well, we're trying to get the message
5 to the Democratic Party. If we are shunted off
6 away somewhere where they can't see us, they are
7 safe to ignore us. They can freely --

8 MR. DIONNE: Objection. Argumentative.

9 ADMINISTRATIVE LAW JUDGE FLEMING:

10 Overruled.

11 THE WITNESS: They can freely, you know,
12 ignore our protest. And so we want to be within
13 sight and sound, that way we can actually express
14 this in a way where we can be sure it is being
15 heard by the people we want to hear it.

16

17 BY MR. WILLIAMS:

18 Q. Okay. And the route you requested is
19 all on public streets, correct?

20 A. Correct.

21 Q. Did you get a response from the Chicago
22 Department of Transportation about your parade
23 application?

24 A. We received a rejection letter, yes.

1 Q. And I'm going to show you what was
2 previously marked as Exhibit 5A, B, and C. Is
3 this that rejection letter?

4 A. Yes, it is.

5 Q. Okay. The Chicago Department of
6 Transportation offered an alternate parade route;
7 is that correct?

8 A. Yes, they did.

9 Q. And [inaudible] City's Exhibit 6.

10 A. Uh-huh.

11 Q. It's a little hard to show you, it's a
12 lot of blue, but can you see the blue dots on
13 there?

14 A. Yes. This looks like the route.

15 Q. Okay. Is that, to your knowledge, the
16 alternate route proposed by the Chicago
17 Department of Transportation?

18 A. Yes, it is.

19 Q. Okay. And that's on Columbus Drive in
20 downtown Chicago, correct?

21 A. Yes.

22 Q. From Roosevelt Road to Jackson?

23 A. That is correct [inaudible].

24 Q. What's wrong with that route?

1 A. Well, there's a number of things. The
2 first is the distance to the Democratic National
3 Convention. It's over three miles, I believe,
4 and you know, I don't think anyone can hear that
5 far. Beyond that, it's also in an area that is
6 largely, you know, a public park, there's Lake
7 Michigan, there's a lot of tree-lined streets,
8 you know, on a very busy weekend.

9 There's still not going to be that many
10 people down there. It's a beautiful place but
11 it's not going to be [inaudible].

12 Q. Have you ever driven on Lake Shore
13 Drive?

14 A. Yes, I have.

15 Q. Can you see Columbus Drive activity
16 from Lake Shore Drive, do you know?

17 A. Sometimes. But a lot of times it's
18 also blocked by trees.

19 Q. And are you familiar with hills going
20 from Lake Shore Drive up to the park and then up
21 to Columbus Drive?

22 A. Yes.

23 Q. Does that block the vision from Lake
24 Shore Drive?

1 A. I would say yes.

2 Q. And if the Chicago Department of
3 Transportation closes down south Columbus Drive
4 between Roosevelt Road and Jackson Boulevard
5 during the time of the march, would that further
6 limit the number of the public that would see
7 your protest?

8 A. In my understanding, I think it would
9 drastically limit the number.

10 Q. Why do you think that the Chicago
11 Department of Transportation proposed this as the
12 alternative route?

13 MR. DIONNE: Objection. Calls for
14 speculation.

15 ADMINISTRATIVE LAW JUDGE FLEMING:
16 Sustained.

17
18 BY MR. WILLIAMS:

19 Q. Before rejecting your proposed parade
20 route, did anybody from Chicago Department of
21 Transportation reach out to you [inaudible]
22 alternative?

23 MR. DIONNE: Objection. Relevance.

24 ADMINISTRATIVE LAW JUDGE FLEMING:

1 Sustained.

2 MR. WILLIAMS: It's not relevant whether
3 anybody reached out?

4 ADMINISTRATIVE LAW JUDGE FLEMING: No.

5 Why is it -- where, again, in the ordinance does
6 it say that the Department of Transportation
7 needs to reach out? Department of Transportation
8 pursuant to the ordinance gave a proposed route.
9 But you know what? To move things along, answer
10 the question.

11 THE WITNESS: No, no one reached out to
12 us.

13

14 BY MR. WILLIAMS:

15 Q. Did they explain how they came up with
16 the alternate route?

17 MR. DIONNE: Objection, Judge.

18 ADMINISTRATIVE LAW JUDGE FLEMING: Yeah.
19 Objection's noted. Continue.

20

21 BY MR. WILLIAMS:

22 Q. Did anyone from Chicago Department of
23 Transportation tell you they considered other
24 alternate routes closer to the United Center?

1 MR. DIONNE: Same objection.

2 ADMINISTRATIVE LAW JUDGE FLEMING: Same
3 ruling. [Inaudible]. You can answer.

4 THE WITNESS: No, they did not.

5

6 BY MR. WILLIAMS:

7 Q. Is it fair to say that the Chicago
8 Department of Transportation presented the
9 alternate parade route on Columbus Drive
10 [inaudible] proposal?

11 MR. DIONNE: Objection. Argumentative.

12 ADMINISTRATIVE LAW JUDGE FLEMING:
13 Sustained.

14

15 BY MR. WILLIAMS:

16 Q. Did the Department of Transportation
17 give you any other option besides the Columbus
18 Drive alternate route?

19 A. No, this was the only alternate route
20 presented to us in the rejection letter.

21 Q. If the Department of Transportation
22 informed you that they couldn't approve the route
23 as requested, but could move it two blocks north
24 or two blocks south, would you have considered

1 that?

2 MR. DIONNE: Objection.

3 ADMINISTRATIVE LAW JUDGE FLEMING:

4 That's speculation. Sustained.

5

6 BY MR. WILLIAMS:

7 Q. Is the route you proposed the only
8 route you would consider?

9 MR. DIONNE: Objection. Relevance.

10 ADMINISTRATIVE LAW JUDGE FLEMING:

11 What's the relevance of the other ones? He
12 hasn't pro -- they haven't proposed other ones.
13 I have to deal with the route that's proposed
14 in --

15 MR. WILLIAMS: And that's the relevance,
16 Judge. Because they have not identified a
17 comparable public [inaudible] -- that's our
18 position. That's what we want --

19 ADMINISTRATIVE LAW JUDGE FLEMING: I
20 understand that's your position. But I'm saying
21 that my interpretation of the ordinance is that
22 we are dealing with this particular route.

23 MR. WILLIAMS: I understand. But it
24 does say in (k) that they have to make an

1 evaluation.

2 ADMINISTRATIVE LAW JUDGE FLEMING: It
3 doesn't say in (k) that they have to meet with
4 the applicant and sit down and ask the applicant
5 questions whether they would take this route or
6 that route. It doesn't say that. It says they
7 have to propose --

8 MR. WILLIAMS: I'm not suggesting it
9 says it. But they do have to make -- they have
10 to make an assessment, evaluation. They have to
11 consider what is comparable. They have to
12 consider similar time, date, and location. They
13 have to consider those things. So I'm inquiring
14 to the factual basis of what they did to consider
15 [inaudible].

16 ADMINISTRATIVE LAW JUDGE FLEMING: You
17 can't get that testimony from your witness.

18 MR. WILLIAMS: Well, if --

19 ADMINISTRATIVE LAW JUDGE FLEMING: He
20 can testify --

21 MR. WILLIAMS: -- if they did reach out
22 to him, I'm sure they would [inaudible] it out.

23 ADMINISTRATIVE LAW JUDGE FLEMING: I
24 mean, I gave you the leeway to ask him the

1 questions that there wasn't contact. And that,
2 you know, lets you make your argument on there.
3 But it doesn't lead to some sort of conclusion
4 that we're required to do so.

5 MR. WILLIAMS: I am not making that
6 assertion. There's nothing in the ordinance that
7 says they can't reach out to the applicant and
8 try and work out something.

9 ADMINISTRATIVE LAW JUDGE FLEMING: But
10 there's nothing in the ordinance that says they
11 are required to, which is what you seem to be
12 positing your position on. You seem to be --

13 MR. WILLIAMS: It's --

14 ADMINISTRATIVE LAW JUDGE FLEMING: You
15 seem to be positing part of your argument that
16 somewhere in that ordinance is a silent
17 requirement that when the parade application is
18 denied, the Department of Transportation has an
19 affirmative obligation to try to mediate.

20 MR. WILLIAMS: Well, I'm -- my position
21 is that Columbus Drive is not a reasonable
22 alternative and the department did nothing to
23 consider other reasonable alternatives. I'm not
24 saying they have to do A, B, or C. But I'm

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1 saying in determining reasonable and in complying
2 with this Section (k) of the ordinance, those are
3 relevant facts.

4 ADMINISTRATIVE LAW JUDGE FLEMING: But
5 how can this witness testify as to the mindset of
6 the Department of Transportation?

7 MR. WILLIAMS: I didn't ask his mindset.
8 All I asked was did they call him.

9 ADMINISTRATIVE LAW JUDGE FLEMING: And I
10 let you answer that.

11 MR. WILLIAMS: All right. I have
12 nothing further.

13 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

14

15 CROSS EXAMINATION

16 BY MR. DIONNE:

17 Q. All right. So you said for the purpose
18 of your parade proposal it's for a friendly and
19 was supposed to be for the community or something
20 to that effect?

21 A. Broadly speaking, yes.

22 Q. Right. And you're anticipating at
23 5,000 people; is that right?

24 A. That's [inaudible] information, yes.

1 Q. Are you also anticipating counter
2 protesters to your march?

3 A. I'm anticipating negative reaction from
4 the attendees at the DNC, but I don't expect a
5 counter protest.

6 Q. But you said that your organization was
7 providing vested marshals?

8 A. Yes, we are.

9 Q. And these vested marshals, though, they
10 do not have policing powers, do they?

11 A. Not unless they are undercover police.

12 Q. None of your marshals are undercover
13 police, though, are they?

14 A. Not to my knowledge.

15 Q. Okay.

16 MR. DIONNE: Nothing further, Judge.

17 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

18 Anything else?

19 MR. WILLIAMS: Nothing further.

20 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

21 Does anyone need time for closing?

22 MR. DIONNE: We could -- City's
23 answering ready to move into it if Counsel is.

24 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

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1 MR. WILLIAMS: We're ready.

2 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

3 All right. Proceed, City.

4 MR. DIONNE: Thank you. Judge, the City
5 is asking the Court affirm the denial of this
6 parade permit application based upon the bases
7 that are set forth in the denial letter, which is
8 City's Group Exhibit 5.

9 Specifically, addressing the first
10 subsection under Municipal Code of Chicago
11 10-8-330(g)(1) in the code in which the
12 commissioner found that the proposed parade route
13 will substantially interfere with traffic in the
14 area contiguous to the activity and there is not
15 available at the time of the parade sufficient
16 city resources to mitigate the disruption.

17 What we have here in this proposed
18 application is a route that entirely encircles
19 the United Center during the time and dates in
20 which the Democratic National Convention will be
21 taking place at the United Center.

22 Furthermore, we have testimony that this
23 is going to be an NSSE event in collaboration
24 with not only CPD, but also the Secret Service

1 and other federal agencies, which require a
2 massive amount of resources to secure this area
3 and this footprint.

4 The route that's being proposed would
5 completely shut down all streets surrounding this
6 United Center asking for all traffic to be
7 diverted into areas that cannot absorb that
8 traffic flow. Mr. Gallardo from Transportation
9 basically said that it's going to create gridlock
10 in this area.

11 We have further testimony that
12 establishes that the United Center is just north
13 of the medical district and that Ashland Avenue
14 is a major thoroughfare that requires access to
15 that area. Asking to shut that street down is
16 basically asking ambulances and other emergency
17 equipment to find another way to get to these
18 hospitals. So it's simply impossible to
19 accommodate this proposed route and shut down
20 those streets.

21 Going into Subsection -- Municipal Code
22 of Chicago 10-8-330(g)(2) the Court should find
23 that there is not available at the time of the
24 parade a sufficient number of on-duty police

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1 officers or other city employees authorized to
2 regulate traffic and to police the public and
3 protect participants, et cetera.

4 We know that every officer that works
5 for CPD, from patrol person to detective to
6 sergeant, is being tasked upon and called upon to
7 provide the necessary resources to secure the DNC
8 during this time.

9 We also know that it is such a large
10 drain on the personnel and resources, that
11 various events that normally occur during this
12 time, such as the Air and Water Show and the
13 start of Chicago public schools, have had to have
14 been changed and essentially rescheduled just
15 because the CPD does not have the resources to
16 even accommodate those activities.

17 They're going to be working the DNC.
18 All vacations have been cancelled, all training
19 has been cancelled, furloughs have been
20 cancelled. Every able-bodied person is going to
21 be tasked with this monumental requirement to
22 provide the security for the City during the DNC.
23 And the job doesn't just stop there.

24 We still have to staff -- the Chicago

1 Police Officers have to staff every district in
2 the entirety of the City of Chicago. Just
3 because the DNC is here, doesn't mean that all
4 other business stops. It doesn't mean that all
5 of the responses to 911 call have to stop.

6 So based upon the inability to provide
7 the officers for the application -- Petitioner's
8 safety, that was denied. But then we go into the
9 proposed alternative route, which was proposed by
10 CPD.

11 Is it in the exact same location? No,
12 it's not. But it is in a location that is highly
13 visible. It's right by a park. It's right by
14 Lake Shore Drive. And it's to the extent
15 practical. That is what Subsection (k) says.

16 It doesn't say it has to be the same or
17 close to. What we do know is that we're going to
18 have hundreds, if not thousands of people coming
19 through the parks of the area, going across Lake
20 Shore Drive. It's right by the main hotel
21 district where there will be delegates and other
22 attendees staying.

23 And furthermore, we've got over 5,000
24 people that are part of this march. Last I

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1 checked, trees can't block sound. We've got
2 plenty of voices that can be heard to Lake Shore
3 Drive, to Michigan Avenue. And in that location
4 a message can be heard.

5 Judge, the City has met all of its
6 requirements required by the municipal code
7 including the proposed alternative route and we'd
8 ask that the Court affirm the determination from
9 the Department of Transportation.

10 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

11 Thank you. Counsel?

12 MR. WILLIAMS: The City of Chicago, as
13 with all municipal and other divisions of
14 government, is bound by the First Amendment. The
15 ordinance in question seems to have implicitly
16 acknowledged that by including Section (k), which
17 requires if a parade permit is denied, the
18 commissioner shall authorize the conduct of a
19 parade on a date, at a time, and at a location or
20 a route different from that named by the
21 applicant.

22 This alternate permit shall, to the
23 extent practicable, authorize an event that will
24 have comparable public visibility and a similar

1 route, location, and date to that of the proposed
2 parade. I note that there is an "and" between
3 visibility and similar route, location, and date.

4 The -- so we ask you to overturn the
5 denial of the permit or at a minimum to require
6 that the City come up with a more reasonable
7 alternative.

8 I'm not suggesting that there's anything
9 in the statute that requires them to meet with
10 the Petitioner, but they are required to
11 recognize the First Amendment and Section (k)
12 requires them to provide a comparable public --
13 comparable place -- similar route, location, and
14 date.

15 Columbus Avenue is -- Columbus Boulevard
16 is three miles away. It's on tree-lined streets.
17 It's -- the plan is to shut it down, there will
18 be no visibility. The target -- the DNC is
19 inherently a political event. It's when the
20 Democratic Party, the party who currently with
21 the presidency, currently with control of the
22 senate are present in the Chicago area at the
23 United Center.

24 That is the target of the speech, the

1 political speech being held on public grounds or
2 being sought to be held on public grounds on this
3 parade route where speech, according to the
4 Supreme Court, finds it's greatest traditional
5 protection.

6 The alternative does not allow the
7 Petitioner to be -- the applicant for the permit
8 to have their message heard by the targets of
9 their political speech.

10 First of all, we have heard evidence
11 that the City did not comply with Section (f) of
12 the ordinance by conducting a full, thorough
13 investigation [inaudible]. We have heard vague
14 language about it will take a lot of police
15 officers.

16 And honestly, Judge, their own testimony
17 says all the police are going to be around the
18 DNC already. This is going to be a highly
19 controlled area and to suggest that there could
20 be no area within three miles of the United
21 Center that could be controlled and more narrowly
22 tailored to meet the rights of the permit
23 applicant is ludicrous.

24 Second of all, the City has not met the

1 requirements of Section (k) and find a more
2 reasonable alternative. So for that reason, we'd
3 ask this body to overturn the decision or at a
4 minimum to require the City to consider other
5 parade routes at the same time and date and
6 closer to the event that its speech is targeted
7 at.

8 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

9 Final word?

10 MR. DIONNE: Judge, Counsel has
11 mischaracterized exactly where the officers are
12 going to be. Yeah, there's going to be
13 heightened officer presence at the United Center,
14 but they're still responsible for being all
15 throughout the rest of the City of Chicago.

16 And going into Subsection (k), nowhere
17 in the ordinance or the code does it say that we
18 have to -- the City has to provide an area that
19 allows the voice to be heard by the same
20 designated targets. That's not anywhere in the
21 code. It's to the extent practical.

22 And we're proposing an alternative that
23 high visibility, by another large park within the
24 city limits, and for that reason, Judge, we ask

1 that you affirm the determination?

2 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

3 Thanks everyone. It's been a long day. And I
4 apologize if I got out of sorts at all at any
5 point.

6 And like I say, I've got to get home and
7 start typing. I have 48 hours, I will get it
8 down here. I'm assuming that they will e-mail it
9 out to you guys at that point in time?

10 It's 48 hours for me to get it here, so
11 it gets here at, you know, 4:28 and two days.
12 You may not get the e-mail till the next day.
13 But I'll get it all done. Good luck to you all.

14 MR. DIONNE: Thank you, Judge.

15 MR. WILLIAMS: [Inaudible] my e-mail
16 address --

17 MR. DIONNE: We have your --

18 ADMINISTRATIVE LAW JUDGE FLEMING: It's
19 on your appearance form, isn't it?

20 MR. WILLIAMS: It's on my appearance
21 form, yes.

22 ADMINISTRATIVE LAW JUDGE FLEMING: So
23 the appearance form will be in the file.

24 MR. WILLIAMS: [Inaudible].

1 ADMINISTRATIVE LAW JUDGE FLEMING: Yeah.

2

(END OF PROCEEDING)

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1 I, Susan Bonomo, do hereby certify or affirm
2 that I have impartially transcribed the foregoing
3 from an audiotape record of the above-captioned
4 proceedings to the best of my ability.

5 _____
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7 Susan Bonomo
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